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No. 85-1513

IN THE

Supreme Court of the United States

OCTOBER TERM, 1985

EDWIN W. EDWARDS, in his Official Capacity as Governor of Louisiana, WILLIAM J. GUSTE, JR., in his Official Capacity as Attorney General of Louisiana, LOUISIANA DEPARTMENT OF EDUCATION, and THOMAS G. CLAUSEN, in his Official Capacity as Superintendent of Education of Louisiana,

Appellants,

v.

DON AGUILLARD *et al.*,

Appellees.

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

JOINT APPENDIX
VOLUME 2

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[EXHIBIT E-A(11)]

HOUSE COMMITTEE ON EDUCATION

Excerpt of Hearing

Senate Bill 86 by Senator Keith

Thursday, June 25, 1981

10:00 a.m., House Committee Room 4

MEMBERS PRESENT DURING HEARING ON SENATE BILL 86:

Representative Jimmy Long, Chairman

Representative James Cain

Representative Jesse Deen

Representative Edward D'Gerolamo

Representative Forrest Dunn

Representative Jamie Fair

Representative Louis Jenkins

Representative Kenneth Leithman

Representative Johnny McFerren

Representative B. F. O'Neal, Vice-Chairman

[EXHIBIT E-A(11)]

Representative Francis Thompson

(not voting)

Representative Michael Thompson

Representative Robert Waddell

Representative William West

MEMBERS ABSENT DURING HEARING ON SENATE BILL 86:

Representative Elias Ackal

Representative Alphonse Jackson

Representative Johnny Jackson

ALSO PRESENT:

Pamela Heren, Concerned Citizen

Becky Goodman, Calvary Heights Baptist Church

Patricia Lynn Evans, Maranatha Christian Center

Norene Dupre, Concerned Citizen

[EXHIBIT E-A(11)]

Hazel Anderson, Pro-Family Forum

Mrs. John B. Rawdon, Pro-Family Forum

David Melson, Maranatha Christian Center

Melvin G. Hodges, Foundation for Christian Education

Larry Coodman, Calvary Heights Baptist Church

Bob Galloway, Prison Fellowship

Sydney G. Coble, Calvary Heights Baptist Church

Pastor Jimmy Barousse, Airline Christian Assembly

Reverend Larry Russell, Concerned Citizen

Myron Young, Concerned Citizen

Stanley Morris, Concerned Citizen

Charles Harlow, Concerned Citizen

Dr. Edward A. Boudreaux, Creation-Science, Department

[EXHIBIT E-A(11)]

of Chemistry, University of New Orleans

Essie C. Beck, National Science Teachers Association and National Science Superintendents Association

Pepper Davis, Science Teachers, J. Q. Adams Junior High School

Nicholas Canaday, American Association of University Professors

William W. Craig, Concerned Citizen

Paul C. Beisenherz, National Science Teachers Association

James Whelar, Concerned Citizen

David E Dunn, Louisiana Council of Deans of Arts, Sciences and Humanities, College of Sciences, University of New Orleans

Nancy Schweitzer, Concerned Citizen [2]

[EXHIBIT E-A(11)]

ALSO PRESENT: (continued)

J. P. Woodland, University United Methodist Church

Douglas A. Rossman, Concerned Citizen

Milton Fingerman, Concerned Citizen

George C. Kent, Louisiana Academy of Sciences

Miles Richardson, American Anthropological Association

Bill Ebarb, Research Analyst, House Committee on Education

Carol Kloss, Secretary, House Committee on Education

Carrie Wagner, Committee Clerk

Jose Alonso, Sergeant-at-Arms

Peter Mahoney, Sergeant-at-Arms

[EXHIBIT E-A(11)]

KEITH: Mr. Chairman, in deference to time I have some gentlemen from the scientific community who will be here testifying on behalf of my bill, and we will limit our testimony to these gentlemen from the scientific community. The other people signed cards simply signifying that they were here in support of the bill. I would like to introduce the gentlemen that are here with me today. You know, you have heard a great deal about scientific-creationism in the last twelve or fourteen months, and there has been a lot of misrepresentation about what scientific-creationism really is and it's very, very difficult sometimes to get a new concept embedded into people's minds. For instance, some people try to make it a religion versus science conflict, and that's simply not true.

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because there is -- there are a growing number of people in this nation who have learned that scientific-creationism is just as good science, if not better science, than evolution science. Therefore, in all the deliberations in which we've appeared, we have always tried to keep those who testify on behalf of scientific-creationism, we've tried to limit those to the scientific community, and I want to introduce some of these gentlemen that are here with me today. Dr. Edward Boudreaux is a professor of chemistry at the University of New Orleans -- internationally known chemist -- has traveled all -- different parts of the world presenting scientific papers. We have Dr. Myron Young who is in the scientific community associated with a local university, L.S.U. Dr. Charles Harlow who is also in the

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scientific community at -- also at the same university. Dr. Stanley Morris, my friend from Southern University who is also a [3] science professor there at that institution. Therefore, what we will attempt to establish today is that there is a body of scientific evidence, a body of scientific data called scientific-creationism that is totally apart and separate from the Bible. Now, I have of course, have amassed a great deal of information on this subject some of that I would like to share with you. Some of the people in the scientific community that I have talked to have given me a great deal of very enlightening information. I talked to Dr. John Moore at Michigan State University in the Natural Science Department at Michigan State University. I had heard that Dr. Moore was a

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creation-scientist, and I called him and talked to him on the phone, and I took down some of the statements that he made and would be glad to make those available to you. But, Dr. Moore told me this, he said, "Yes, I am a creation-scientist, and I teach creation-science in my lectures at Michigan State University," and he listed a number of reasons why he came to be a creation-scientist, and I quote from what he told me on the telephone. He said the idea of one kind coming from another which is taught exclusively by evolution is a violation of scientific laws. The evolutionary thinker who says man came from apes violates the laws of Mendel, a creationist from Australia -- from Austria who did the earliest research in the transmission of physical characteristics. Mendel's works are highly

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accepted in the scientific community and credibly positioned in Biology, and I just submit to the committee this morning that those people that are acquainted with the works of the Austrian scientist Mendel will inevitably say "yes" that there are scientific evidences -- there is scientific data which points to creation. I also spoke with Dr. Thomas Barnes, a professor of physics at the University of Texas. Dr. Barnes had recently delivered a paper before the American Physics Association on the subject of scientific -- on the subject that he had been working on that relates to scientific-creationism. Dr. Barnes for forty years has been doing research in the area of the decay of the earth's [4] magnetic field. Dr. Barnes told me on the telephone that, "After my

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research in the area of the decay of the earth's magnetic field, I have come to the conclusion that it would have been impossible for the evolutionary process to have gone through the millions and millions of years that supposedly are required for evolution to have taken place," and he says," That is why I am a creation-scientist because I can show from the study of the earth's magnetic field that evolution would be impossible." I spoke to a number of other professors. I spoke to Dr. Robert Jastrow who is a professor of astronomy at Columbia University in New York. Now I must in all fairness and honesty say that Dr. Jastrow is an evolutionist, and Dr. Jastrow is an agnostic, but in my telephone conversation with him, I said, "Dr. Jastrow, I understand you're an evolutionist." He said, "That's true."

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And, I said, "Yet in some of the books you've written you say that there is scientific data that points to creationism." He said, "That's true." And, I asked him I said, well what are some of those pieces of scientific information that point to creationism, and this evolutionary scientist, this agnostic scientist told me this. He said that in the world of astronomy there are recent discoveries that prove beyond question that the earth had an instant beginning. Now, gentlemen, I know that that does not prove creation-science, but he said this is an indication that points to a creator as being responsible for the universe and everything in it. So, I think that from a broad spectrum of people, apart from those scientists who are here at this table this morning, we are going to try

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to show today that there is a body of evidence known as creation-science that is totally apart from the teaching of the Genesis account of creation. Now, I'll say one other thing and then I'll let these gentlemen address the committee. I'll close. The question of science versus religion has been very, very prominent in the controversy over my bill on scientific-creationism. I know in the [5] last meeting that we had, the people who spoke in opposition to scientific-creationism brought a number of ministers who are opposed to my bill from different parts of the state. Of course, there are thousands of ministers in the state. I know of three thousand that favor scientific-creationism as a fair approach to scientific data. Now, the question of science versus religion is a very, very

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important question for this reason, the constitution of the United States guarantees that government will not establish religion, but I want to tell this committee today that government has established religion in our public schools, and it's the religion of secular and religious humanism. The United States Supreme Court on three occasions has declared secular humanism to be a bona fide religion. The State of Illinois has declared that religious humanism is a bona fide religion in that state; it's accepted and licensed by the state. Now, the cornerstone of secular humanism and religious humanism is evolution. So, the argument that this bill violates the separation of church is purely false --

AUDIENCE: That's right.

KEITH: Because it does not do it.

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LONG: Gentlemen, we don't allow, I'm sorry to interrupt you, but we don't allow comments from the audience when we hear a bill, please. Please, we'll give everybody a chance to be heard but we cannot interfere with the comment with the delivery of any of the people who are being heard.

KEITH: Thank you, Mr. Chairman, I'll just resubmit that evolution is the cornerstone of secular humanism. Secular humanism has been declared to be a bona fide religion. Therefore, it seems to me that if the establishment clause says that no governmental body will in any way enhance religion, that we have a serious problem with the teaching of secular humanism. That's why I have asked the gentlemen who appear here today to keep all of this information purely on a scientific basis, and that's

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the approach we're going to take today.[6] The first speaker we have here today is Dr. Edward Boudreaux, University of New Orleans, professor of chemistry at that institution, a creation-scientist.

LONG: Dr. Boudreaux you are recognized, sir.

BOUDREAUX: In my testimony in the past I have attempted to give a number of evidences to support the contention of creation-science. In the light of the shortness of time today I will not attempt to do that, simply to say that as a sideline I have been involved in creation-science for about six years, and as a professional scientist I can say without a doubt that there is evidence in all areas of physical science which support creation-science, which incidentally is simply to say that

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the objective information of science does indeed point to conditions of a creator, and in fact those evidences are in contradiction to the proposals put forth in the hypothesis of evolution. I would just like to read this statement that was made in 1941 taken from this book by A. N. Field, "The Evolution Hoax Exposed," and it reflects on scientists at that time who were not evolutionists, and he says, "evolutionists commonly make statements leading the casual reader to believe that all scientists accept evolution as established fact. If these statements were attentively read, however, almost all of them will be found to contain unobstrusive qualifications," and he goes on to mention the "Encyclopedia Brittanica" and so on, and he says this means no more than that in the opinion of the

writer that the article of science to reject evolution are not confident. Similarly, when the council of the American Association for the Advancement of Science in 1922 proclaimed the resolution, the evidences in favor of evolution abandoned sufficient to convince every scientist of note in the world they are likewise merely throwing dust in the public's eyes. All that the announcement means is that the scientific body is black listing those scientists who reject evolution and is refusing to regard them as of note, and the strain runs [7] from evolution from top to bottom, and he goes on to mention the number of people in the lines of physics, zoology, botany, biology, geology, archeology and the like. There are a number of people today in America alone numbering something like a

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thousand who are members of the Creation Research Society who hold doctorate and masters degrees in all areas of science and equally affiliates with Institution of Creation Research. There is a similar organization in Great Britain. There are other people in other parts of the world, and the interest in creation-science is growing. So, scientists of notable recognition, such as Sir Solly Zuckerman, the University of Birmingham, a noted professor of anatomy and of early man; Professor William Boyd, a professor of anthropology at Boston University; Professor Devanski of genetics at Columbia University; and so on and so forth; people of many, many areas who are all proficient in their areas with recognized expertise in their field, and I'll close by simply making this statement repeating what Dr.

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Douglas Dean, professor of biology, University of Alabama, stated in an issue of magazine called LIFE, he did his doctoral dissertation in evolution biology by the way, and he says evolution is a mythology of science. It is a good fairy tale explanation for those who cannot believe anything else. Many of us as children, thought as children when we read tales about a frog turning into a prince charming or prince charming turning into a frog. As children we knew that such a thing could not happen. How strange it is that adults today believe in evolution especially when it is in effect saying that amphibians came to live on land and eventually evolved into a man. Is it not this the same old fairy tale of frogs changing into men? We did not believe it could happen when we were

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children, why believe it now Dictionary defines mythology as being invented stories, an imagery of fictionist things or a legendary or traditional story about some event with or without determin-[8]-able basis in fact or natural explanation, especially stories about the creation of the world and its inhabitants. Evolutionism is a mythology of science because it does not -- it is not determinable on the basis of facts of natural scientific explanation, and therefore is simply a myth.

LONG: Thank you sir.

KEITH: Dr. Charles Harlow.

LONG: Dr. Harlow, you are recognized, sir.

HARLOW: I first became somewhat interested in what was being taught in the public schools in Louisiana with

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some of my children going through the school system here, primarily occurs in biology, high school biology and seventh grade science. I think everyone would agree that evolution is no more than a theory; I have never heard anyone proclaim any more than that. The material as taught though, because of the way our public education system is structured, mainly select textbooks and material out of the textbooks is taught according to the understanding of the teacher involved, is in fact taught as a fact. It's given, read the chapter, answer the questions that support this theory, you know, how did man arrive, natural selection and so forth. So, it is not taught as a theory, but is taught as a fact, and is given to the children as the way man and other creatures evolved. My --I think there is some

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problems with the theory that has concerned me for a long time. First of all, it's such a loose theory that it's hard to get a handle on. There are many different theories of evolution; it's never taught that way. It seems to me to be a theory which cannot be refuted by any conceivable fact, scientific or not. If new facts are discovered, the theory is merely adapted to include these facts as if the theory had predicted them in the first place. This is really not evidence for a good theory that should predict and forbid certain things. Evolution is, of course, very old. It was popularized and formalized by Darwin, but in fact goes back thousands of [9] years before that. Some funny stories have been given about the frog-prince story. There are many that typify this attitude that

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is presented all the time. An example is the stories presented by Carl Sagan on some of his popular T. V. shows that, in fact, have no basis. One example of this is the idea the Samurai warrior that appears on a certain crab off the coast of Japan. It was stated one way this could occur is by the Japanese selectively throwing back the crabs over hundreds of years that did not have this particular Samurai warrior on the design of the crab which would produce this certain type of crab. That's in fact, patent nonsense. You can throw crabs back for millions of years and never create such a pattern on the back of a crab. The whole idea of evolution depends upon predicting things millions or billions of years ago depending upon how far back you want to go. Some people claim you merely predict life

forms, and it has nothing to do with matter per se. Other people say it includes the evolution of matter and how it evolved. It seems patently ridiculous that we could predict conditions on the earth a million years ago or a billion years ago when it is very obvious in a predicting theory we cannot predict earthquakes, weather a week from now much less a month from now. So, the claim that we have aknowledge to predict the weather a billion years ago required for evolution to occur is fairly ridiculous.

LONG: Dr. Harlow do you have any final comments?

HARLOW: I just have a few comments. There is a fair body of knowledge that can be taught in creation. It has to do with astronomy where you can show that the universe was

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created. It has to do from studies of the fossil record which, of course, shows sudden transitions rather than the continual transitions required. Other facts have already been alluded to, and there is a list of about ten or twelve here that can be given, but I'll pass on to that.

LONG: Thank you, Dr. Harlow. Who's this? [10]

KEITH: Dr. Stanley Morris.

LONG: Dr. Morris, you are recognized.

MORRIS: I have been interested in this question of evolution versus creationism for quite a number of years, and even though my specialty is physics, I have done quite a few studies in biology, immunology, and so forth looking at this question. Now, it seems to me that the real issue is the issue

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of model, because a theory is just a model. It's what we think reality is about. We observe certain things today and what we try to do from our observation is to go back into history and say how things must have been a long time ago. Now at best we are dealing with a model, because the information that we have today is cloudy; it is fuzzy, and the origins or the beginnings took place a long time ago. Now the question is this: Are we going to recognize that in both models, the evolutionary models and the creationist models, that both models contain inferences, speculation, interpretation and opinion? Now, scientific models which are known as theories seldom are absolute, nor should they be presented that way by over-zealous scientists of one persuasion or another. Now for a

scientist to dogmatically declare in a narrow-minded way that his model is the only correct one to the exclusion of all other models is intellectual dictatorship and should not be allowed or tolerated in our public school situation. Now I fear that by pushing aside the creationist viewpoint that the State of Louisiana is guilty of endorsing evolution as a position or viewpoint of the State of Louisiana. Many times we notice the books that are selected, that are on the selection list, approved by the State Board of Education or the state superintendent of education, and what we find is this, that these books contain no reference to creationism, and this could be construed, I think, as censorship by selection. The question as I see it is this: Are we going to allow the students

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in the public school system in the State of [11] Louisiana to have a choice? Now, Louisiana historically has advocated the principle of freedom of choice, but yet we give our students only one view, evolution. Now, are we going to allow them to look at evolution, to look at creationism, and to let one or the other stand or fall on its own merits, or will we by failing to pass this bill or failing to give a favorable report on this bill deny students an opportunity to hear another viewpoint? Normally in science books in the cases of all theories at least two viewpoints are presented. This is not the case in the textbooks that are used in the public school systems in the State of Louisiana. Even viewpoints that are outdated that have been done away with that have been proven to be

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false are still at least talked about. Information is given upon them, but this is not true of creationism.

LONG: Dr. Morris, you have exceeded your time limit, so would you try to wrap it up.

MORRIS: Alright, I will. I would like to ask them that we give a second viewpoint, the viewpoint of creationism, an opportunity to prove its worth in our school system.

LONG: Thank you very much.

KEITH: Dr. Myron Young.

LONG: Dr. Young, you are recognized.

YOUNG: Gentlemen, we are here this morning not to try to convince you completely beyond a doubt which theory is correct, I don't believe that anybody can do that. We are here this morning -- (CHANGED TAPE) -- the public school

too long and one-sided, and also it's a bad theory. If evolution theory is so good, how come it's directly violating the second law of thermodynamics. If evolution theory is so good that everything comes -- evolved by chance then how come evolution theory, is in the very poor odds with the mathematical probability. The probability is overwhelmingly against the evolution theory. Now, if evolution theory is [12] so good, how come we don't see the missing link in the fossil. There are too many loopholes that we -- I cannot satisfy saying that it's a truly scientific theory, even as a theory; but they have not taught as a theory they have taught as a fact, and this is what we are up against and fighting for. We want to give the children here in this

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state an equal opportunity to see both sides of the theories.

LONG: Thank you, Dr. Young.

KEITH: Mr. Chairman, will I have an opportunity to close?

LONG: Yes indeed, sir.

KEITH: Thank you, gentlemen.

LONG: Reverend Larry Russell. I might not be pronouncing these correctly.

KEITH: He has chosen not to speak.

LONG: What about Ms. Hazel Anderson?

KEITH: These will be all the ones that have asked to speak -- they filled out the cards but they said that in the interest of time that we just limit it to this group.

[EXHIBIT E-A(11)]

LONG: So you're saying that the others here are indicating their support, but not being heard.

KEITH: That's right.

LONG: O.K. Then we'll move into the opponents, and, of course, you will have time at closing to close on the bill, Senator. Speaking in opposition to the bill, Ms. Essie Beck. You are recognized, and we're under the three minute limit, Ma'm.

BECK: I am Essie Beck, and I represent two national organizations: the National Science Teachers Association which has a membership of 38,000 and the National Science Supervisors Association which represents 1,000 members. I sit on the board of directors of both. I am the past president of the National Science Supervisors Association. We must never lose sight

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that we are living in a scientific age, and in order for our society to survive and progress science is a [13] necessity and of utmost importance. With the money crunch and educational funds being reduced to the education populous, the education populous cannot support the use of money allotted to science for non-science education. I would like to read into my statement the position of the NSTA which is the National Science Teachers Association. Throughout his recorded history man has been virtually concerned in finding out all that he can about his universe. He has explored in many ways, raised questions about it, designed methods by which he could increase and organize his knowledge, and developed systems to aid him in understanding and explaining his origin in nature and in his place in the

[EXHIBIT E-A(11)]

universe. Among these systems are philosophy, religion, folklore, the arts and science. Science is the system of knowing about the universe through data collected by observation and controlled experimentation. As data are collected, there is our advance to explain and account for what has been observed. The true test of theory in science is threefold: 1. Its ability to explain what has been observed; 2. Its ability to predict what has not yet been observed; and 3. Its ability to be tested by further experimentation and to be modified as required by the acquisition of new data. The National Science Teachers Association upholds the right and recognizes the obligation of each individual to become informed about man's many endeavors, to understand and explain what each endeavor has

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contributed to mankind and to draw his own conclusions in each area. The National Science Teachers Association also recognizes its great obligation to the area of education dealing with science. Science education cannot treat as science those things that are not in the domain of science. It cannot deal with as science concepts that have never been developed in any other scientific ways. Moreover, the National Science Teachers Association vigorously opposes all actions that would legislate, mandate or coerce the inclusion in the [14] corpus of science, including textbooks, of any theories that do not meet the threefold criteria given above.

LONG: Thank you very much, Ms. Beck. Ms. Beck, you have a question. Mr. Jenkins.

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JENKINS: Yes M'am, I wanted to -- I appreciate your testimony, but I didn't understand how it related to this piece of legislation.

BECK: O.K. What we are saying is that there is no scientific evidence for the creation theory, and we feel that the money and the people and the education should not go into science those things that have no scientific background.

JENKINS: Well, what should be taught on the subject?

BECK: I think that the teacher has the option to introduce what she wants to do, but we are saying that the money should not be allocated to adopt textbooks that have creationism in it. That it should be scientific -- there should be some evidence to show documentation.

[EXHIBIT E-A(11)]

JENKINS: As I appreciate the bill, if you want the teachers to teach whatever the teacher desires, that's what this bill provides, doesn't it?

BECK: It's like it was gutted when it came out of the --

JENKINS: It says public schools in the state may give balanced treatment to science creation.

BECK: Yes, but who can say balanced treatment is -- who's going to say -- hold a stopwatch to say that one has to be done over the other.

JENKINS: It says the balanced treatment may be given in classrooms. I mean, it's permissive. What you are saying is we shouldn't give balanced treatment.

BECK: We shouldn't mandate it.

JENKINS: Well, does this mandate it?

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BECK: In my opinion.

JENKINS: Well, how does it mandate it? [15] How does it mandate it?

BECK: It mandates it that the teacher should teach it.

JENKINS: It simply says, does it not, balanced treatment may be given in classroom lectures [unintelligible] and textbook materials and so forth. How does that mandate it?

BECK: Well, it all depends on what happens when it gets to the individual schools, how they are going to interpret some of it? I am just saying that the two organizations that I represent oppose having a teacher having to teach creationism when they are not going to be prepared to do it.

JENKINS: Now, is it alright for the teachers in our state to teach the theory of evolution?

[EXHIBIT E-A(11)]

BECK: Yes sir, because there is some scientific evidence to that.

JENKINS: What is the theory of evolution to your understanding?

BECK: To my understanding, it is the progress of the changes that have evolved.

JENKINS: The progress of the changes that have evolved.

BECK: I would prefer, I am a lay person, I would prefer to let one of the scientists that we have with us answer the rest of the questions if that's alright.

JENKINS: I'm sorry, Mr. Chairman, I thought Ms. Beck was an expert with all her credentials and everything.

BECK: Credentials, I speak as a supervisor -- I do have some science background. I represent two organiza-

[EXHIBIT E-A(11)]

tions, and I wanted to read how these two organizations felt.

LONG: We have another question, if you would like to yield to Mr. Mike Thompson.

BECK: Oh, I'm sorry.

M. THOMPSON: You made a statement that there is no scientific evidence of creation. That's your opinion, is that correct?

BECK: That's the opinion of the organization and myself that I -- there's no scientific sequential information. [16]

M. THOMPSON: Well, would you -- is it your testimony then, that because that's the opinion of yourself and your organization, that we ought not permit other opinions to be advanced in our educational process?

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BECK: No, sir. No, sir. I am just saying that we need to expend the monies on things that have scientific background in the science classes. That doesn't stop a teacher from including, you know, her own --

JENKINS: Well, I understand that, but the teacher would have to cover that verbally because the textbooks which I have examined exclusively track the opinion that you have advanced and so what you are saying by wanting to deny funds for textbooks which cover also other opinions, you're saying that the state should exclusively fund those textbooks which track your opinion.

BECK: I'm saying that if you include this also, there's going to be I don't know how much money spent on in-service programs and so on to train our science teachers so that they can

[EXHIBIT E-A(11)]

include this, and the monies are just not available.

M. THOMPSON: To deny those funds, isn't that -- doesn't that have the effect of establishing a monopoly of thought or of ideas in favor of one side?

BECK: No, sir, I don't see that because any good science teacher explores, other areas, and they do have some freedom there.

M. THOMPSON: But they would have to do that individually, without the help of textbooks, or supervisors or anyone else. They would be a self-preparation and --

BECK: Some of it would be, yes, sir.

LONG: Alright, we have two other committee members who want to ask questions. Let me remind the committee

[EXHIBIT E-A(11)]

that we have thirteen other people to be heard on this matter plus committee members and Mr. Keith, so I would ask you to please hold your questions as much as you can. [17]

F. THOMPSON: M'am, what group do you represent?

BECK: The National Science Teachers Association.

F. THOMPSON: How many members do you have in Louisiana?

BECK: Oh, I would say about five or six hundred maybe. I don't know off hand, but nationally we have 38,000.

F. THOMPSON: Is your primary objection money, spending this money?

BECK: That's one objection and the other objection is the fact that we feel -- well I read you the three points -- the ability to explain what has been observed in science, the ability to

[EXHIBIT E-A(11)]

predict what has not yet been observed, and then the inclusion of new things, data that has been collected, and we're saying that data is collected in the scientific field. In the creation area, there isn't data collected.

F. THOMPSON: If you don't want to teach it in the same vein that you are talking about, would you like to do away with evolution being taught in the classroom also?

BECK: No, sir.

F. THOMPSON: From my reading and understanding, that it's just as much factual information on the creation side as it is on the evolution. I taught zoology. I have a major in zoology and I was never privy to the creation side other than through the churches and so forth, and since the investigation I am of the opinion that

[EXHIBIT E-A(11)]

there is a lot more information on this side. It is almost obvious that you make monkeys out of men, but you can't make men out of monkeys. What do you think about that?

BECK: I wouldn't comment.

LONG: Mr. McFerren is next.

MCFERREN: I think Mr. Thompson asked one of my questions about the membership you had in Louisiana.

BECK: I really don't know. We have several members.

MCFERREN: You used the term that "we oppose," we say "we" are you talking about the board of directors, or are you talking [18] about 38,000 members?

BECK: No, I am talking about it was given to 38,000 members through our publications.

[EXHIBIT E-A(11)]

MCFERREN: How many responded, what percentage [unintelligible]?

BECK: I don't think there was any or very much negative response, but I don't know frankly. I really don't know about the negative response, but they're very limited. The majority of the science teachers that belong to our organization, the majority of the science supervisors association support the position statement.

MCFERREN: Do you know what percentage of returns that actually took a stand one way or another?

BECK: I don't know; it was never published.

LONG: Mr. Cain.

CAIN: Two quick questions. How many Louisiana members do you have, 300?

BECK: I don't know.

[EXHIBIT E-A(11)]

CAIN: But you do speak for all of them?

BECK: I am speaking for the National Science Supervisors Association.

CAIN: You're not speaking for Louisiana, just the national, right?

BECK: I'm talking about the members.

CAIN: One last question. What do you think about all those scientists that appeared up here with doctorate degrees? I believe there was four of them that said there was scientific evidence.

BECK: Most of them were physicists, I believe.

CAIN: I don't know, you're the expert.

LONG: Let's proceed gentlemen. Mr. Fair.

[EXHIBIT E-A(11)]

FAIR: Yes, I have a couple of questions.

BECK: I'm sorry I was first.

FAIR: I want to comment first that my wife is a high school science teacher, and she certainly does not have the same [19] ideas that you do. Did you ever teach high school science?

BECK: Yes, sir.

FAIR: How did you handle the subject? Did you present both sides or one?

BECK: If the students brought it up, and we would say that there is the theory. Yes it was presented.

FAIR: So, if the students didn't bring up the subject, you didn't teach it?

BECK: Probably not. It's been about five years since I've been in the classroom.

[EXHIBIT E-A(11)]

FAIR: Thank you.

LONG: Let's try to proceed, gentlemen. I know that all of you have firm feelings on it, and if you feel really obliged to ask questions we will do so, but if it's just arguing the bill, it might be better for us to move along and vote as soon as we can. Pepper Davies, a science teacher in Metairie. Ms. Davies.

DAVIES: I'm speaking today as a science teacher. I came to give some of the implications and hardships as I see them as a teacher if this bill were passed. Before I do that, I'd like to direct a comment to what Dr. Morris of Southern said in favor of the bill. He said that scientists teach the theory of evolution as dogmatic fact without giving the other side. I, as a teacher of earth science, I do teach evolution.

[EXHIBIT E-A(11)]

I do not teach it dogmatically. Alright, I am speaking for myself, and I assume I am included in that group he is talking about. It is something that you teach as a theory, or that I teach as a theory. I give the students the facts that support the theory. I do not teach the creationism because that's taught to them by their religious leaders which is where I think it should be taught. I don't think that falls in the realm of science. As a teacher, I see [20] some hardships that would come about. I think that teachers would have to be in-serviced because when you talk of teaching creation you have to decide whose creation story you're going to teach, there's more than one. You're talking about teaching it in biology class and life science class. Evolution is also discussed in earth science

[EXHIBIT E-A(11)]

class, in ancient history where they discovered and described the history and development of man, and anthropology courses, and in various areas in elementary science. This is just grades one through twelve. New curriculum guides would have to be developed to include this, the curriculum guides now do not. And this -- I think this other condition chips away again even more at the academic freedom that teachers are supposed to have. There's a limited amount of time for a person to teach a vast body of knowledge in a science class, and now we're being asked to teach something which is not science. I'm not saying that students shouldn't learn creationism, but I don't think they should learn it in science class. If you want us to teach creationism, do you want us to teach astrology? Do you

[EXHIBIT E-A(11)]

want us to teach alchemy? Do you want us to teach phrenology, studying the bumps on your head? This is just another constraint that teachers would have to deal with, and they have already had too many legislative restraints put on them. Thank you.

O'NEAL: Just a moment, Ms. Davies, I think Mr. Jenkins had a question.

JENKINS: Ms. Davies, could you tell us since you do teach the subject, what to your understanding and knowledge is the theory of evolution?

DAVIES: The theory of evolution is the development of living things of like forms from very simple to more complex.

JENKINS: And where does all of that begin under this theory?

[EXHIBIT E-A(11)]

DAVIES: Where does it begin? With the simple forms which are developed in a water in a marine environment.

JENKINS: With simple life forms? [21]

DAVIES: Yes.

JENKINS: Well, where do they begin under this theory?

DAVIES: Under this theory -- there are theories where this begins. Scientists feel, the majority of scientists, feel that there are inorganic beginnings.

JENKINS: So that is part of the theory of evolution in your view of scientific evolution. Now, to the best of your knowledge as a scientist or someone who teaches science, is it possible to create living matter from non-living matter?

[EXHIBIT E-A(11)]

DAVIES: It has been done in some instances under laboratory --

JENKINS: Oh, wait a minute, I would like to know about this -- this could be a --

DAVIES: Wait a minute, you asked the question. Are you finished with your adjectives? This has been done in a sense in that they developed or have been able to synthesize organic compounds. They do not have ZAP instant life.

JENKINS: Has life ever been created from non-living material to your knowledge? Has living material ever been created from non-living material?

DAVIES: To my knowledge created by man or created in the evolution of earth's history? In which way are you directing the question?

JENKINS: In either case.

[EXHIBIT E-A(11)]

DAVIES: Evidence indicates that in the beginning stages of the development of the earth as a part of the solar system and a part of the universe that organic compounds were developed from -- evolved -- whatever is the verb -- from inorganic compounds.

JENKINS: You're saying that evidence exists that organic compounds were developed from inorganic compounds. Now, I asked you if living matter ever been created from non-living matter.

DAVIES: What is an organic compound as opposed to an inorganic compound?

JENKINS: Tell me, you're the one that is supposed to know. [22]

DAVIES: Alright, inorganic is non-living, and organic is living.

[EXHIBIT E-A(11)]

JENKINS: So you are saying that there is evidence that life has been created?

DAVIES: I am saying that organic compounds have been developed from inorganic compounds.

JENKINS: And you are saying there's evidence -- what is the evidence that we know? What evidence is there?

DAVIES: I'm sorry I would have to research that. Maybe Dr. Craig can give that to you right now.

JENKINS: I'm not saying that that isn't true. I'm just trying to find out if we know scientifically that it is possible to create living matter from non-living matter. Or, on the other hand, is based on all we know scientifically, it's not possible.

DAVIES: I thought I answered that.

[EXHIBIT E-A(11)]

JENKINS: Well, the only thing you said is you said you believe there is evidence that some organic compounds. you didn't say life you said some organic compounds and then later you said what if that's not life, I guess, had been created from inorganic matter. You said there's "some" evidence, and I asked you what evidence and you referred back to something else.

DAVIES: I think you're trying to give me a hard time.

JENKINS: What I want to know is very simple.

LONG: Alright, let's try to proceed.

JENKINS: What I'm trying to find out is this: Number one, what is this theory of evolution that's so scientific that it's the only thing that should be taught in the schools on this subject?

[EXHIBIT E-A(11)]

What is it? Is it a theory, or is it proven fact, and does the theory conform with reality in the most basic fundamental sense of do we know whether it's possible that life can be created from non-living material?

DAVIES: A theory is some idea that you could force and the more facts that you have to back up that theory from observation [23] the more your theory is verified. It is still a theory in the sense that no one was there, observing it although they can examine evidence of what has happened in the past.

JENKINS: So you are saying that evolution is a theory and it is not a proven fact?

DAVIES: I'm saying that there are enough facts to make it a very sound, firm theory.

[EXHIBIT E-A(11)]

JENKINS: It is a sound theory, but still a theory. Now, essential to that theory is the link that has to be made that it is possible, in fact it did occur, that living matter was created at some point somewhere from non-living matter. Isn't that true, and can you tell us if that is true can you tell us how that is possible or how that could occur?

DAVIES: I started to say that they have tried to duplicate the conditions in a laboratory, and I don't know how successful they were. Are you trying to tell me how it happened?

JENKINS: No, I'm not. All I'm asking is: Has it been proven? As I appreciate it, it has not been done. The only thing I've ever heard that was done was the building blocks of DNA have

[EXHIBIT E-A(11)]

been created artificially. That's not life.

DAVIES: No, but it is getting to the organic compounds from the inorganic compounds.

JENKINS: In fact all we have are perhaps theories about that, about whether it is possible.

DAVIES: Well, in fact a lot of students in eighth grade earth science have a lot of questions when you present this. My background is in earth science and in paleontology, and I would tell you as I tell the students that this is a theory, that if they are concerned as many of them are, and they should be with the creationism as it's presented in the Bible, then they should speak to their religious leaders. That's a matter for that realm.

[EXHIBIT E-A(11)]

JENKINS: Well, I am trying to understand this theory of evolution which is so scientific and yet I don't understand this belief that we're made from -- [24]

DAVIES: I'm sorry. I don't think you're trying to understand.

LONG: Please, let's try to proceed. We have an extremely large number of people who want to be heard, and we have several sets of amendments, and we're really arguing the bill. I'll give everybody an opportunity to be heard on the bill. Mr. D'Gerolamo, do you have a question?

D'GEROLAMO: All I want to ask Ms. Davies is: Are you representing the science teachers of Jefferson parish or the Jefferson Parish School Board?

DAVIES: No sir. I am speaking as a science teacher. I am a member of

[EXHIBIT E-A(11)]

the Louisiana State Science Teachers Association and the National Science Teachers Association.

D'GEROLAMO: You're not representing the science teachers of Jefferson parish?

DAVIES: No, I am speaking as a teacher from my own opinion.

LONG: Thank you, Ms. Davies.

DAVIES: And, sir, if you would like, I would be glad to get together a packet of information. If you are familiar with the materials in the textbooks I can give you some references.

LONG: Nicholas Canaday.

CANADAY: I am Nicholas Canaday, professor at L.S.U. for 24 years, but I represent the American Association of University Professors. This is the paramount national organization of college teachers founded in 1915. It

[EXHIBIT E-A(11)]

has been the principal organization dedicated to the maintenance of academic freedom. It presently has 76,800 members and there are 1,200 members in the State of Louisiana, and I am authorized by the Washington office to speak for the national organization, and also I'm authorized by the president of the Louisiana conference of AAUP to speak for that conference in opposition to this bill. Basically, our opposition is on academic freedom grounds. I'd very briefly just make three points. Academic freedom is the freedom of teachers to teach what they believe to be true as a result of their academic training. The very basis of [25] academic freedom is that the content of the discipline should not be prescribed by law. 2. Religious constraints are put on the teaching of science in our

[EXHIBIT E-A(11)]

view by this bill. Schools must be free of requirements incorporating religion into the curriculum. 3. Science operates on merit not on equal time or fairness, only scientists in the field are competent to judge what merits being taught in the classroom. Thank you.

LONG: Mr. Fair.

FAIR: Mr. Canaday, have you read this bill?

CANADAY: Yes, sir.

FAIR: And you are here proposing that the reason you are opposed to this bill is because of what? Why are you opposing this bill?

CANADAY: I am here opposing actually the original bill which mandated the -- this teaching.

FAIR: So you aren't opposed to this bill then.

[EXHIBIT E-A(11)]

CANADAY: Well, I also oppose the bill as amended because I think that this opens up a great deal of problems for the individual teacher. It may be decided -- (CHANGED TAPE) -- twice.

FAIR: If I'm correct or you can correct me --

CANADAY: Even as it is made permissive.

FAIR: Correct me if I'm wrong, but you say that your organization proposes academic freedom?

CANADAY: Yes sir.

FAIR: Alright, this bill says, and I'm sorry to hit you all at once, public schools within this state may give balanced treatment. To me that embodies exactly what your organization stands for, and I can't see why you would be opposed to this piece of legislation.

[EXHIBIT E-A(11)]

CANADAY: It does not because as I said in my first point, academic freedom is the freedom of teachers to teach what they believe to be in their expertness the content of their discipline.

FAIR: O.K. thank you, Mr. Chairman. [26]

LONG: Let me ask -- Mr. O'Neal.

O'NEAL: Dr. Canaday, I have a question.

CANADAY: Yes, sir.

O'NEAL: Mr. Canaday, you talked about academic freedom in your belief that teachers should be allowed to teach what their training has persuaded them to teach.

CANADAY: Yes, sir.

O'NEAL: Of course, the purpose of education and the purpose of teachers is to serve the needs of the youngsters.

[EXHIBIT E-A(11)]

CANADAY: Yes, sir.

O'NEAL: Do you believe that they should have the freedom to choose who they have that is at the school that they attend, the information that they are subjected to? Do you think that they likewise should have the freedom to be in the environment that they want to be in, to hear what or who --

CANADAY: I'm sorry I don't follow who they in this is.

O'NEAL: The students. Are you suggesting in the philosophy of academic freedom that the professors should have or the teachers should have the freedom to teach what he is persuaded to teach and at the same time the student through compulsory attendance laws and through assignment should be compelled to accept whatever that teacher wants to teach?

[EXHIBIT E-A(11)]

CANADAY: I don't find this a problem because after all teaching and learning is a hierarchically-oriented operation. It is -- I mean the students are not in any discipline or in any subject the judge of what they are to be taught. This is left up appropriately to professionals in that discipline. In my discipline for example, which happens to be American Literature, students do not decide which aspects of American Literature they would like to be taught. That's not the way it's done.

O'NEAL: [unintelligible] can decide if they want to subject themselves to American Literature at all.

CANADAY: Indeed, and this could be true of any discipline, they may decide whether their --[27]

[EXHIBIT E-A(11)]

O'NEAL Not in public school would it be.

CANADAY: Well, within certain limits, of course. There may be certain requirements of science or humanities or social sciences.

O'NEAL: I have no further questions.

LONG: Mr. Craig, Department of Earth Science, University of New Orleans.

CAIN: Mr. Chairman, how many did we have appear for the bill?

LONG: We had five who testified, and the others chose not to testify.

CAIN: How many left who are opposed to the bill?

LONG: We have thirteen.

CAIN: Would you remind them to try to not repeat themselves? We got

[EXHIBIT E-A(11)]

thirteen of them. That's going to be tough, so just remind them, please?

LONG: We've asked for the three - minute limit, and they're holding themselves to three minutes, but it's the questions that are taking the time. Alright, sir, Dr. Craig.

CRAIG: My name is Bill Craig, I'm with the Earth Science Department of the University of New Orleans. Please understand that my statement is my personal stance on the bill which in no way represents either the official opinion of the University of New Orleans or my university colleagues. It's my personal opinion. I'm here representing myself. Now the question before you is not whether evolution is a good scientific theory or bad scientific theory, the question is: What is science and what is not science? In my brief

[EXHIBIT E-A(11)]

statement I will attempt to draw this distinction and in doing so illustrate why evolution as a theory is science, and creation as a theory is not science, and thus why this bill which lends an implied credulence to creation as science would do a grave disservice to science education in this state. What the proponents of this bill are actually attempting to do is to make God a scientific subject. Science has no statement to make about God for or against, [28] never has, never can and never will; and the mere attempt to make God a subject of science undermines the foundations of our religions which operate with methods and serve those quite distinct and apart from those of science. Now, let me try to draw the distinction. Science attempts to explain the world, the natural world, in

terms of cause and effect. Scientific explanations are based on the understanding of natural processes gained through observation and experimentation. Scientific explanations are of necessity rendered in terms that man can understand. Explanations reliant on miracle, a phenomenon to which an act of creation must be assigned, are unsuitable scientific conclusions. Although the products or effects of creation are observable, that is, the living things, the process of the act of creation cannot be explained in rational terms, cannot be experimented with, in short, cannot be comprehended by the limited intellectual capacity of humans. It is the appearance of something out of nothing, the acceptance of an event as miracle closes the door to scientific investigation. This is not to say that miracle does not

happen. It is simply a statement that miracle can never be a valid scientific conclusion because it breaks the rules within which scientific investigation must be conducted. In short, science excludes miraculous explanations from a sphere of consideration not because miracles cannot possibly be true but because it cannot possibly be investigated. Science stubbornly clings to this approach because it has worked. It is somehow strange to be making this argument in the latter half of the twentieth century because separation of the methods and goals of science and religion was accomplished by scientists and theologians over 100 years ago. As a society we have not experienced any problem with the separation, we take our sick to the doctor and at the same time pray for their recovery. However, I do

share Senator Keith's anxiety. His son's conflict in the science [29] classroom was real, and to him it was important. The conflict demanded to be dealt with then and there and with understanding and sensitivity. But though we remember that religion and science, both of which are treasured and workable approaches to our quality of life --

LONG: Dr. Craig, you've used your time so try to wrap it up.

CRAIG: Both treasured and workable approaches to our quality of life are to be kept separate, and it is apparent that we have forgotten why. In our desire to preserve the integrity of each, we have educated a generation of science teachers who cannot deal comfortably with the two in the same sentence. The solution to this problem,

[EXHIBIT E-A(11)]

and be assured it is a problem, is to educate our science teachers in the wisdom of those nineteenth century scholars who showed us the way. The problem will not be solved by placing science and religion in competition. This will only confuse the distinction between the two and weaken the contribution that each makes to our well-being, and the society that allows that to happen shall have neither good religion nor good science.

LONG: Thank you, sir.

JENKINS: I have a question.

LONG: Go ahead.

JENKINS: I am a little bit confused about some of the things you've said. For example, you said that science does not and will not ever concern itself with God or the concept of God. I don't really understand that.

[EXHIBIT E-A(11)]

If there is a God, and he exists, that will be a fact, will it not, a scientific fact? If he does not, that would seem to be a scientific fact as well. That would seem to me, would it not to you, of some interest to scientists.

CRAIG: It is interest to scientists as human beings, most certainly, but, science must limit itself to those things that can be seen and understood. [30]

JENKINS: Seen and felt?

CRAIG: Seen and felt and observed with the senses and understood.

JENKINS: But there are lots of things in science that don't precisely fall under that category, that you investigate. Aren't there?

CRAIG: Such as.

[EXHIBIT E-A(11)]

JENKINS: That can't be seen, felt, perceived readily by the senses.

CRAIG: I would have to have an example. I don't believe that there is anything in science that --

JENKINS: You get evidences of things.

CRAIG: Well, those evidences are seen. Those evidences are sensed.

JENKINS: Those evidences, but not the things themselves.

CRAIG: Not the things themselves maybe. You're talking about scientific explanations or theories or explanations or the observations of the things that are seen, sensed and felt.

JENKINS: The -- can you tell us, I've been trying to find out what the theory of evolution is since you're a -- seem to be knowledgeable in this field, can you tell us what it is?

[EXHIBIT E-A(11)]

CRAIG: Well, as it's been outlined by the proponents of this bill, it is almost everything from the beginning of time, whenever that might be, and of course science does not know when that it is either. As outlined by Darwin, it was given life this is the course that it has taken, given life, he stated time and time again "I'm not concerned in this essay with how life began." The subject of the creation of life which has come up here from organic molecules is -- has been a subject that biochemistry has added much later, it's not a part of the original body of evolution as outlined by Darwin.

JENKINS: What is the theory of evolution now though? Darwin was -- you know -- what a hundred years ago, more than a hundred years.

[EXHIBIT E-A(11)]

CRAIG: The theory of evolution now, organic evolution and that's generally what we're talking about when we talk about it, it has nothing to do with the origin of the universe [31] or anything else that's been presented here. It is the gradual change in life through materialistic means, physical and chemical laws working on the material basis of life. It involves nothing miraculous and that is why it qualifies as a scientific theory.

JENKINS: I didn't understand the starting point of the theory of evolution now. What is the theory?

CRAIG: Well, you can start it I guess wherever you want to. I prefer to start it with simple forms that evolved because that's where my expertise runs out. You go back beyond that and talk about creating life from organic

[EXHIBIT E-A(11)]

molecules; that's the subject of biochemistry, the subject's been added later to evolution. A person could with personal preference add that in or exclude it. I prefer to exclude it because I know nothing about it.

JENKINS: So you're saying that the creation of living from non-living material is not part of the period of evolution.

CRAIG: Not in my estimation, and of course I have a basis for that, and that is Darwin's original outlining of the theory which did not include that.

JENKINS: Darwin's theory, but is that the theory of evolution now I'm asking?

CRAIG: It can be, if I make it that base, yes. I would think that would be the most common starting point

toward the theory of evolution. The other is the theory of the origin of life.

JENKINS: So, the theory of evolution says nothing about the origins of life or the origins of the universe.

CRAIG: Nothing.

JENKINS: See, 'cause that's what I thought we were talking about all along. The origins of the universe and the origins of life.

CRAIG: Now, that's in -- that's been added by the creation-science people.

JENKINS: Well isn't that in the textbooks, too, about the theory of evolution is to date to a great extent a theory [32] of the origins of life and of the universe.

CRAIG: Darwin called his essay the "Origin of the Species", and he

[EXHIBIT E-A(11)]

regretted that later in that people interpreted it as meaning the actual origin of life. He meant the origin of the species that are living today, and they've come through a whole series of species from times past. So, what we saw today or what we see today is the end point, not the end point, but is a point in a long series of changes in living things. He was not concerned with the origin of life, of course, they knew nothing then about any of the experimentation the origin of life.

JENKINS: So, then you would say that the theory of creation and the theory of evolution are not necessarily contrary to one another.

CRAIG: They're not the same I would say.

JENKINS: No, but they're not necessarily contrary to one another

[EXHIBIT E-A(11)]

since the theory of creation deals with the origins of life and the universe.

CRAIG: Yes, those are perfectly valid scientific pursuits. They're just not commonly or shouldn't be commonly included in the theory of evolution.

JENKINS: No but, what I'm saying is they're not necessarily contrary to one another then. If you're saying the theory of evolution has nothing to do with the origins of life, it only talks about the origins of our species and that process by which we came supposedly from lower forms to the present forms, then the theory of creation might not be completely contrary to that. Is that correct? Since the theory of creation deals with the theory of the origins of life and of the universe as well as other things about the status of various species.

[EXHIBIT E-A(11)]

CRAIG: It's not contrary nor is it supportive. It is a separate kind of thing.

LONG: O.k., thank you, sir. Paul C. Beisenherz. I might not be doing a very good job on your name. [33]

BEISENHERZ: Paul Beisenherz, science education, University of New Orleans. I'd like to address some of the comments made by committee members maybe through the back door and reiterate what has just been said in passing. One of the most important issues is the proponents of the bill attempt to equate creation theory with scientific theory, and as has been said both theories are quite different. One of the main characteristics of the scientific theory is that it can never be proven absolutely but it can be falsified. For more than a century data has been

collected from a wide number of disciplines. None of it has in any way falsified the theory of evolution. No matter what Mr. Keith tells you, few reputable biologists or anthropologists, will refute the major tenets of evolutionary theory; maybe about the exact mechanisms that evolution has occurred but the basic tenants will not be disputed. Let's look at the other side of the coin. A set of ideas that cannot be falsified is not science. To quote Dr. Steven Gould, anthropologist from Harvard University,"The entire creationist argument involves little more than a rhetorical attempt to falsify evolution by presenting supposed contradiction among its supporters." If we look carefully at what has been presented today by the proponents, I think we can understand what Dr. Gould says. Mr.

[EXHIBIT E-A(11)]

Keith said that we would present a body of scientific evidence in support of creation theory. Dr. Boudreaux and others did not, nor did they in the Senate hearings, present such a body of scientific evidence, but what they attempted to do was to, as Dr. Gould says, attempt to falsify evolution by presenting supposed contradictions among its supporters, that's what they did as I heard it. One does not become a scientist by the simple [34] act of trying to falsify another scientific system. One has to present an alternative system that too must be falsifiable in principle. That I would submit they have not done. To say that Mendelian genetics is evidence for creation theory is absurd. Scientific-creationism is a self-contradictory nonsense phrase precisely because it cannot be

[EXHIBIT E-A(11)]

falsified. The bottom line gentlemen is that creation theory is not science and should not be included in the science curriculum. Thank you.

LONG: Gentlemen, we have nine other people to be heard. I have several sets of amendments. Please hold your questions to a minimum. Go ahead, Mr. Jenkins.

JENKINS: Yes sir. I wanted to ask you, based on your knowledge if we pursue the theory of evolution, I assume you pretty much agree with some of the earlier definitions that were given; you do -- what is the time span necessary for the genetic changes to occur that would result in the existence of a species such as Homo Sapien?

BEISENHERZ: Starting at what point?

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JENKINS: Starting from the existence of earliest of the earliest organisms that might exist.

BEISENHERZ: From what evidence there is now it would be in terms of billions of years, perhaps as many as four to five billion years, and that, it's just an estimate.

JENKINS: That's the time you believe necessary for the genetic changes to occur.

BEISENHERZ: Based upon, I believe the evidence from fossil remains from very simple organisms that have been dated at that age frame.

JENKINS: No, I'm not asking that. I'm asking bearing in mind however rapidly genetic changes can possibly occur in organisms based on the theory of evolution, [35] how long should it have taken for the time span to pass

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from the existence of the earliest organisms to the later existence of a species such as man?

BISENHERZ: Four and a half, I would say, to five billion years. Genetic changes occur when life originates in the form of DNA, someone mentioned--

JENKINS: I think you're trying to tell me though that based on fossil reference. Can't we calculate how rapidly under the theory of evolution, how rapidly genetic changes can occur?

BISENHERZ: No, I don't believe so.

JENKINS: Well then that would seem essential wouldn't it, to verify the theory, that you would know how rapidly genetic changes occur, because if they occur in such -- with such slowness --that --

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BEISENHERZ: But also, very randomness, much randomness also.

JENKINS: Yes, but the thing is we've got the laws of probability to contend with, and we've also got the comparison between known data about how long the earth supposedly existed, and if the time span, which according to the laws of probability would justify that all of the genetic changes from earliest organisms to man, if that's longer than the existence of planet earth is supposed to be, then we have a problem with the theory, don't we?.

BEISENHERZ: Yes, that's not the case, however.

JENKINS: I'm asking you -- well -- you just told me you couldn't tell me. How rapidly do genetic changes occur, and how long should it have taken to go

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from the earliest organisms to man, based on the probability of those--

BEISENHERZ: Genetic changes occur very randomly, very haphazardly and they could -- it could be -- there can be macro mutations and macro mutations from what evidence there is now and what we know is that the time frame is consistent with the age of the earth and the age of the universe. There's no inconsistencies. That's what I'm saying. All the evidence that we have --[36]

JENKINS: You're reaching to the conclusion. I've just asked you for evidences. I'm asking you how long does it take for these changes to occur? Like --

BEISENHERZ: The only evidence we have -- we can't go back three million years ago and look at the genetics of the individual organism. We can look at

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the fossil records, and we can say that -- uh -- a certain species lived five millions of years ago, therefore we can infer that that organism had a particular genetic structure and later organisms that evolved had different--

JENKINS: So you really don't really know how long it takes for genetic changes to occur?

BEISENHERZ: I think -- I don't think that's a relevant question, personally.

LONG: Thank you sir.

BEISENHERZ: Thank you.

LONG: James Whelar. Go ahead, sir.

WHELAR: My name is James Whelar, I am a resident of Orleans Parish. I'm speaking for myself. I would like to address the issue of balanced treatment. This is a phrase which rings of fair

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play. To oppose it one would think you're on the side against mom and apple pie. So, let's look at two statements made by proponents of creationism to help you decide whether or not creationism is deserving of this fair play. Creationists contend that the earth is only about six thousand years old, yet modern astronomers are observing light from stars which are ten thousand light years away. This means that light we see from one of these stars tonight left that star ten thousand years ago. Henry Morris, Director of the Institute for Creation Research, in his book: "The Remarkable Birth of the Planet Earth", responds to this problem by suggesting that God created the light reaching the earth in such a way as to appear to have come from the stars although it did not

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actually do so. Morris goes on to say real creation necessarily involves creation of apparent age. Whatever is truly created, that is, instantly called into existence out of nothing, must certainly look as though it had been there prior to its creation. This is a [37] creationists scientific explanation. In addition to poor science, creationists often get their facts confused when making public statements. This is an example of some remarks made by Senator Keith at the Senate hearing on May 28 concluding the hearing on this bill. Keith said that this article from Newsweek told of a meeting at Chicago's [unintelligible] Museum -- [unintelligible] Museum of Natural History of 160 of the world's top paleontologists, anatomists, evolutionary geneticists and developmental

biologists, a majority of whom opposed Darwin's theory of evolution. Later in his remarks he repeated this charge, as you can see what the article explained was that theory of evolution was being refined. Instead of evolutionary change occurring gradually over a long period of time, new theories predict major changes took place rapidly over short periods of time in between long stable periods. One paragraph in this article describes how creation's been confused by this scientific activity. Near the end of this paragraph, the article concludes, "but the new theories are intended to explain how evolution came about, not to supplant it as a principle." I hope that these two examples of which there are many more in both the creationists' literature and in public statements will cause you to

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control that knee jerk reflex balanced treatment equates with fair play. The creationists are ringing a bell to make you salivate, but what they give you to swallow is indigestible as science. Thank you.

LONG: Thank you, Mr. Whelar. David Dunn. Go ahead, sir.

DUNN: Mr. Chairman, members of the committee, I am here representingthe views of the Louisiana Council of Deans of Arts and Sciences and Humanities. It's an organization representing all the institutions of higher education in the State of Louisiana. Senate Bill No. 86 suggests that there is a legitimate branch of science called creation-science, and Senator Keith today asserted that creation-science is an alternative model of origins which can be presented from a strictly scientific

standpoint without inclusion of any religious doctrine. [38] His first witness, Dr. Boudreaux, then went on to talk about the large number of scientists who are members of various creation-science organizations, and he specifically mentioned the Creation Research Society of Ann Arbor, Michigan. I'd like to read to you the membership application of the Creation Research Society. It says, I quote, "The Bible is the written word of God, and because it is inspired throughout, all of its assertions are historically and scientifically true. To the student of nature this means that the account of origins in Genesis is a factual presentation of simple historical truth." If one must subscribe to that creed before joining the organization, it seems to me the conclusions reached

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by that organization are quite clearly prescribed. He also mentioned the Institute for Creation Research in San Diego, California. The founder of that institute, Dr. Henry Morris, has written and I quote, "It is high time that Christians face the fact that the so-called geologic ages are essentially synonymous with the evolutionary theories of origins. The latter in turn is at its ultimate roots, the anti-God conspiracy of Satan himself." Again, I would submit that if one subscribes to that as a necessity for membership, one's conclusions on any topic are likely to be fairly well arrived at in advance. In fact, most theologians in many religions, both Christian and non-Christian, would not accept those statements, and virtually all scientists would reject them as they pertain to

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science. Creation-science isn't a science at all. It is an attempt to marshal arguments by pseudoscientific sleight of hand or a deeply held religious conviction. The effect of Senate Bill No. 86 would be to permit the teaching in science classes of a religious conviction held by many fundamentalist Christians while ignoring the equally sincere convictions of many other religious groups both Christian and non-Christian. By calling for balanced treatment, Senate Bill No. 86 appeals to our sense of fair play. Such an appeal, however, ignores fair play from many other points of view. Should we permit that our medical school give balanced treatment to the theories of disease held by Christian [39] Scientists or the views of Jehovah's Witnesses regarding blood transfusions, or

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the nutritional concepts of religious vegetarians? Should we permit that our public schools give balanced treatment in science classes to the theories of origins favored by Hari Krishnas, by the Church of Scientology, or by the Sioux indians? When we teach physics and astronomy, can we ignore the views of the Flat-Earth Society or the millions of people who believe in astrology? Just how much time would all this leave us for teaching science? My point is this science doesn't operate on fair play or balanced treatment; it operates on merit. Theories are developed to explain observations and are tested as new data are discovered. Some theories are discarded because they fail to explain new evidence, others are revised in light of the evidence. By this process, the science aspect of creation

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science has been totally rejected by the overwhelming majority of scientists. Resolutions to this effect, have been adopted by virtually all national scientific organizations whose concerns touch upon the creation science issue. To name but a few of these organizations include the American Association --

LONG: You've run out of time, please try to wrap it up.

DUNN: Alright, thirty seconds -- (CHANGED TAPE) -- outside the realm of science and are not the subject of dispute either by scientific organizations or by individual scientists. Many deeply religious scientists are opposed nevertheless to the nationwide effort by creation scientists to force their way into science classrooms after their scientific arguments have failed to win

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support through normal scientific dialogue.

LONG: Thank you, Dean Dunn.

O'NEAL: How many more people, Mr. Chairman?

LONG: We have five more, six more. Ms. Nancy Schweitzer.

COMMITTEE: [unintelligible] [40]

SCHWEITZER: My name is Nancy Schweitzer. I am a biology teacher in East Baton Rouge Parish. I have taught in many parishes in the state. I have been teaching science for seventeen years and most of these years as a biology teacher. I feel that science is a process. At this time I strongly resent the curriculum changes being directed by individuals outside the field of science education. Two of the oldest and strongest teacher organizations with reference to science

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curriculum development are the National Biology Teachers Association and the National Science Teachers Association. These organizations are not in support of such legislation at this time. The reason I oppose it, and I represent myself, is because I feel that it is the beginning of more legislation. Within recent years much pressure has been placed on teachers, science teachers because they are well educated and more options are open to them in other fields. Pressure in areas of education, development, and academic freedom will encourage many teachers to leave the field. Well-educated, competent and dedicated teachers who leave the field will certainly be a detriment to the education of Louisiana, and for this reason I oppose the legislation. I am also a member of the National Biology

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Teachers Association. In their recent news letter and recent publication opposed the legislation at this time as presented in other states.

LONG: Thank you Ms. Schweitzer. J. P. Woodland, Baton Rouge, University Methodist Church.

WOODLAND: Mr. Chairman and members of the committee, I appreciate your patience in hearing all of us out. My name is Phillip Woodland, I'm pastor at the University United Methodist Church in Baton Rouge. I come to speak for myself, I'm not representing any group or organization. I believe in God, the Father almighty, Maker of heaven and earth. I urge you to vote against Senate [41] Bill 86. I oppose the bill as unnecessary, unwise and unfair. The proposed legislation is unnecessary, and my understanding of the

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biblical doctrine of creation and the scientific theory of evolution, and I don't propose to be an expert on the scientific theory of evolution. There is no inherent conflict. Religious faith and scientific authority deal with two different realms of truth, with different questions, different methods and different standards of truth. Science is concerned with questions of how; with the method, the process, the stages of growth. Religion deals with questions of meaning, the purpose, the why of it all. Biblical faith in a creator God does not stand or fall with any particular theory of how the world began. If the process of creation is the evolving process over billions of years, that only makes the universe more majestic and it's maker more awesome. The proposed legislation seems to me is

unnecessary. The proposed conflict between religion and science arises out of a confusion of the realms of inquiry of religion and science with regard to the origin of the universe and human life. Science seeks to describe the method, to answer the questions of how religious faith and biblical tradition are affirmations of the meaning of life and provide answers to the profound questions of why. The proposed legislation is not only unnecessary, in my judgement it is unwise. It forces legislators by and large, not experts in science, to judge the truthfulness of theories of science, and as I understand it, the normal process in the free market place of ideas is for the dialogue and debate to be held among scientists as they weigh the evidence supporting one theory or another. As

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one view proves convincing to clear minded scientists, it is reflected in the textbooks and the teachings in the classrooms. The place for scientific creationism to be proved is not in the legislative committee hearing struggling to understand species mutation or DNA molecules, or laws of probability and chance, of Mendel's laws, or magnetic fields or even Japanese crabs. If you start [42] rewriting science textbooks, not because of good science, but because of religious belief, you may find yourself being asked to mandate changes in history, psychology and sociology because particular groups feel that their view of such matters is slighted -- not adequately presented. I think it unwise for the legislature to make itself the arbitrator or judge of such ongoing debates in the scientific

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community. I believe that out of such a free discussion of ideas, eventually the truth prevails. It's unwise for the legislature to intervene and require the teaching of one theory which is not one general acceptance among the scientists in the field --

LONG: Dr. Woodland, you've exceeded your time, try to wrap it up.

WOODLAND: Finally, I urge your opposition because it seems to me it's unfair. The primary pressure for the change comes from one segment of the religious community. They seek a teaching of one theory because its more compatible with their own interpretation of scripture. Thank you for your attention.

LONG: Thank you sir. Douglas Rossman.

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ROSSMAN: My name is Douglas Rossman. I am a professor at L.S.U., Department of Zoology. I teach the course in animal evolution there. I am not a secular humanist, and as far as I know, I've never met one. I wish to speak in opposition to the passage of Senate Bill No. 86, which for several reasons I consider to be a poorly conceived bill In the first place it is totally unnecessary. Louisiana science teachers who wish to discuss creationism in the classroom are perfectly free to do so now if they choose. There simply are no existing barriers for this bill to remove. The fact that apparently very few science teachers do discuss the subject, is in itself a comment on how much validity they think creationism has as a scientific discipline. Secondly, this bill would put the Louisiana Legis-

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lature in the position of legitimizing creationism as a scientific discipline. I would suggest to you that the legislature is not really the proper forum for evaluating creationism as a science. That is the role of the scientific community, and the [43] scientific community in general has rejected the notion that creationism is anything other than the Genesis account of creation thinly disguised as science. This is not to deny that there are certain scientists who endorse creationist views, but those individuals make up only a small fraction of the entire scientific community, and perhaps more significantly, most of them are physicists, chemists, mathematicians or engineers, rarely are they biologists or geologists, who are the scientists most directly involved with the biological

systems that are subject to the effects of natural selection. Contrary to popular opinion, the individual scientist is not qualified to speak with authority on all scientific subjects, and if you will forgive an analogy, if you were having chest pains I am sure you would want to see a cardiologist rather than a urologist or a dentist. Biologists may disagree among themselves as to the relative importance of various evolutionary mechanisms, but they are nearly unanimous in being convinced that evolution has occurred and is occurring. Thirdly, and a point that been brought up before, the inclusion of a provision in the bill for establishing an advisory panel comprised of seven creation-scientists to help the local school boards develop curriculum guides makes a farce of the title and alleged intent of

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this bill. If its proponents were truly concerned about quote balanced treatment, they would have asked for a panel with equal representation for scientists trained in evolutionary theory. The kind of balance proposed in this bill would truly make the foxes responsible for guarding the hen house. In conclusion, I would urge you to allow our science teachers to decide what material is appropriate for inclusion in our science classrooms. That is what their education and training qualifies them to do, and it is one of the things we have hired them to do. The separation of church and state is a sound doctrine, and we should not obscure it by passing Senate Bill 86.

LONG: Thank you, sir. Mr. Milton Fingerman. Go ahead, sir. [44]

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FINGERMAN: I'm chairman of the Department of Biology at Tulane University. I'm opposed to the proposed bill for several reasons: 1. To link creation with science shows a lack of understanding of the meaning of science. Science takes an hypothesis and tests it and arrives at a testable theory. Creation is an act of faith, a belief that is not testable. Religion does not belong in a science classroom anymore than science belongs in a house of worship. 2. Evolution is supported by every scientist I know; look at the distinguished list of evolutionists and the major universities they are from. In contrast with scientific credentials, the creationists are not at all impressive. What the typical biologist may argue about is how life evolves. The fact that it does is unassailable. 3.

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Just because evolutionists cannot explain every twist and turn the animal kingdom took does not mean that with more study we shall not unravel the mysteries. 4. No other theory explains as well why animals are the way they are than does evolution. 5. I am not the denying the existence of God, but God is for religion courses. Biologists teach biology, and we teach what we consider the most likely, highly respected theories, theories for which there is evidence. Just because there are some things we cannot explain as yet by evolution does not make it logical for us to conclude that evolution did not occur and that God did it. 6. Creationists say that a fault of evolution is there is no way to disprove it. This is a fallacy. If we found a human skeleton in the belly of a dinosaur, that would

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be evidence against it. 7. Evolution is nothing more than change, modification with time. To deny the species change with the passage of time is to fly in the face of the great volume of data such as we find in the fossil record. I'm sure you've heard the old cliche that God must have made the fossils to fool us. 8. In conclusion, the passage of the bill would subject the state to ridicule among the vast majority of the scientific community. Thank you very much.

M. THOMPSON: Mr. Long, I have a question. [45]

LONG: Go ahead.

M. THOMPSON: Doctor, does the faculty at Tulane exclusively consist of evolutionists?

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FINGERMAN: We've never taken a vote, but I've never heard a dissenting voice among the faculty.

M. THOMPSON: Would you as a department head consider employing a creationist?

FINGERMAN: I've never asked anyone that I've considered for a job whether he's an evolutionist or not. If he were going to teach a course in evolution, then I would care to know his opinions. If he were going to teach a course in animal physiology, it would be immaterial for me as to whether he were or he were not.

M. THOMPSON: So, any legislation which would affect nondiscrimination against creationists, let's say in the public system, would not (unintelligible).

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FINGERMAN: I don't believe in discriminating against anybody for any reason at all.

M. THOMPSON: Does it discriminate if you withhold funds?

FINGERMAN: Well, if you're going to teach science, you teach science. Creation science is just giving it a fancy term by putting, linking the term science with creation. It just seems ridiculous to me as to talk about religion science, and there is no justification for using up the cherished funds that the public schools have -- for the -- the short supply of funds that they have for their reputable and real science to use it for something that to me isn't --that is-- in the same realm as astrology.

M. THOMPSON: Well, let me up it the other way. The Tulane University

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has no hesitancy to ask the State of Louisiana to give grant funds to Tulane to place block grants that you're using at the national level. I recently met with the president night before last and he was very solicitous of state funds. So, I find it very difficult that you could state that state funds should be used exclusively for one purpose and not for another, and that Tulane could say--state funds should be channeled --

FINGERMAN: No, I mean that state funds should be used for reputable [46] purposes regardless of who or how its channeled.

M. THOMPSON: Oh, I see.

LONG: O.K. thank you, sir. George C. Kent.

KENT: Gentlemen, I represent the the Louisiana Academy of Sciences. I cannot add anything to what has been

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said on the opposing side to this bill. The question that a conscientious Louisiana legislator will have to ask himself is simply this: Is the story of creation as told in Genesis religion, or is it science? It is not a question of whether science has the correct or incorrect attitudes or whether the theories are right or wrong, and it is not a question as to whether or not religion has the correct truths. This is not at all the question. The question is, is the story of Genesis science, or is it religion? You know that, gentlemen, it is religion. Now, they claim that it is science, and they try to give you some scientific evidence for it. I would like to give you the best scientific evidence that the folks who are in favor of so-called creation-science can give you. I am going to

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read their top argument to show that creation science is science. I am reading from "Evolution or Creation by God" which from an article published by the Watchtower, Bible and Tract Society, and here is what they say, I'm quoting: "All types of reptiles appear suddenly and it is impossible to link them to any terrestrial ancestors. We have put the word suddenly between quotation marks so as to make this problem stand out. We have no trace of intermediaries. We can find no ancestors." Let's see how scientific this is.A ficticious family, we'll call them the Fontenot's, wants to trace their family roots. They visit old cemetaries, they locate the graves of their more recent relatives and their search later leads them to Nova Scotia. There they find two weather beaten tombstones bearing the family name and

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dated 1623 and 1635. They also learned that the people buried there came from Old Normandy, so they go there but there have been many changes in the countryside, and they find no evidence of the [47] existence of the Fontenot family prior to the end of the sixteenth century. Their scientific conclusion is: the Fontenot family was created suddenly out of non-living matter somewhere in Normandy around the end of the sixteenth century. Now, gentlemen this is the same -- this is an analogy -- it is -- maybe they were created suddenly, maybe they were not, but it is not science. Gentlemen, you should weigh this and the so-called other scientific data with your intellect and not let your emotions make the decision for you. Gentlemen, we do not want the teaching of religious conviction, no

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matter how pure, no matter how true, we don't want that teaching in the public schools under the guise of science. Thank you very much.

LONG: Mr. Jenkins for a question.

JENKINS: I want to ask you a question, please sir. I don't truly understand the distinction you draw between science and religion. It seems to me that a statement is either true or false. It's fact or it's falsehood, or, in some cases it might be partially true or partially false. I don't understand how you draw this distinction between -- you label certain things science, other things religion. If we're talking about one, we shouldn't concern ourselves with the other.

KENT: Well, sir, a number of speakers ahead of me have attempted to tell you the difference between science

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and religion. I did not attempt to do that. I think everyone knows that the scientist gets data and then says from these "I conclude. I may be wrong; I may change tomorrow, but I conclude, and this is my present concept of the matter." The religious man says I have listened to the still small voice that is spoken within me. I think it's the voice of God, and I have faith that what I believe that I cannot prove is true because that still small voice within me tells me it's true, and that's the difference. Therefore, the scientist says, " I conclude." The religious man says "I believe." [unintelligible] right; they either may be wrong, but that's the difference. [48]

JENKINS: Well, but on the other hand, the scientist let's say in the theory of evolution, he gathers certain

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data and all he can say is, and as I appreciate the other speakers in as far as the theory of evolution, "I believe that this best explains what I see." but, he can't say that I conclude this is the way it was.

KENT: Sir, you conclude it tentatively.

JENKINS: Then, it's still a theory.

KENT: It is a theory.

JENKINS: That's right, and I don't understand why these beliefs of the religious man or the man who has religious ideas, they can be tested subjected to scrutiny, and you can write the conclusions accordingly. There's no real distinction, is there?

KENT: The question though, sir, I would like to say is irrelevant. The sole question is: Is the story in

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Genesis science? The answer is: It is not science, because you and I both know what science is. If it is not science, it does not belong in the science course. All other questions are irrelevan .

JENKINS: Well, facts belong in science courses.

KENT: Not the facts of two and two make four, that belongs in the mathematics course.

JENKINS: Let me ask you another thing talking about analogies. If we didn't know anything about the nature of existence or whatever, but we were trying to discover -- uncover lots of facts, we went into a closet, and we found lots of different shoes. We found some little baby shoes and some childrens shoes and adult shoes and we found some big hip boots. We tried to

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figure out where in the world those things came from.

KENT: Well, what data are you gonna have to say where they came from? All you have is the data that they are there.

JENKINS: They're there. So you go out looking, maybe you look in where -- people used to bury -- you look in garbage pits, and you find there are some old shoes. They're several centuries old, and they are different sizes. Some of them are between the little bitty shoes and some of the medium shoes, and we don't [49] see any of those shoes in existence now. Are we to conclude that somehow the hip boot somehow came from the baby shoe or that the buried shoe is in some way related to all of these but it's gone out of existence now?

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KENT: Sir, I am not able to defend the procedures as are employed by science. I think the question you're raising is irrelevant and I'm not here to discuss the philosophy of any academic concept.

JENKINS: But the fact is that we present these two theories in the classroom and allow the facts for and against to be presented. Don't you think the truth will win out and isn't that the important factor?

KENT: Truth will certainly out, but you do not present facts of religion in the science classroom.

JENKINS: I really don't see the distinction between facts and religion and so called facts and science.

LONG: Gentlemen, I think you are really arguing the point; I think each of us knows our own views. Let's try to

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proceed and vote on the measure before we lose a quorum and have to come back next week and hear it all over again. Let's try to proceed. Miles Richardson.

RICHARDSON: My name is Miles Richardson. I am a professor of anthropology at Louisiana State University here in Baton Rouge and I am representing the American Anthropological Association. This is the national association of anthropologists in the United States and certainly includes the anthropologists here in Louisiana. We recently met at our fall meeting and passed a resolution urging that scientific creationism not be presented and not be taught in schools as if it were science. This is not that we want to ram anything down anybody's throat. The simple fact is that scientific creationism does not explain what happens in the fossil record. The

fossil record for humans is quite clear, despite the fact that we often hear [50] about the missing link. There are plenty of gaps in the fossil record, but if you look at it, and you see the fossils, and you examine where they've been excavated, and then you come to a conclusion that tries to explain what you see. The overwhelming conclusion that anthropologists have reached concerning the evolution of man, is that he evolves. Now, people might not like that, and I can understand that, it gives me some problems every now and then. But, nonetheless, the fact that they don't like it should not give them the right to say that they should teach scientific creationism in our schools. We get awfully excited about this as you can see, but I appreciate the opportunity to come and talk with you.

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LONG: Thank you, Dr. Richardson, and I have one last card signed by a person from Wartelle Street in Baton Rouge but has failed to put their name on the card.

THOMAS: I'm Eleanor Thomas.

LONG: O.k., Ms. Thomas, you're recognized.

THOMAS: I'm a teacher in the East Baton Rouge school system. I'm also president of the Louisiana Science Teachers Association and represent them. The members of this organization are opposed to this legislation since they consider creationism to be outside the boundaries of bona fide science. Any scientific concept that's based on established fact can be included in our curriculum already, and no legislation allowing this is necessary. This group is opposed to any legislation allowing

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the teaching of a questionable concept, such as scientific creationism. This would simply tend to imply credibility to a questionable concept. Thank you.

LONG: Thank you Ma'am. We have amendments, gentlemen. Mr. Ebarb, am I correct that all of these are committee amendments that deal with technical corrections?

EBARB: These deal with the numbering of the law. It is presently placed at the end of Title 17, and it should probably be placed in Chapter 1, Part 3, where other things such as permitted [51] courses of study -- required courses of study are.

LONG: Mr. Ebarb has prepared a set of technical amendments. Any objection to the technical amendments? If not, they stand approved. Alright, Mr. Jenkins offers up two sets of

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amendments. Amendment Number 1, on page 2 at the end of line 26, insert the following: "When creation or evolution is taught, each shall be taught as a theory, rather than a proven scientific fact." Mr. Jenkins.

KEITH: May I see a copy of the amendments, Mr. Chairman. This is the -- do you have another set of amendments besides these Mr. Jenkins?

LONG: Yes.

KEITH: I think that what this particular amendment addresses itself to is the fact that the legislature would be making a declarative study -- a declarative statement saying that it will only be taught as theory and not as fact as I think that this committee has heard from time to time that it is taught in our science classrooms in Louisiana.

[EXHIBIT E-A(11)]

LONG: Questions of Mr. Keith?

DUNN: Would you read the amendment again please?

EBARB: On page 2, at the end of line 26 insert the following: "When creation or evolution is taught, each shall be taught as a theory, rather than as proven scientific facts."

LONG: What's the pleasure of the committee?

CAIN: I move for favorable acceptance.

LONG: Mr. Cain has moved that the amendments be adopted. Any objection to the adoption? Mr. Jenkins offers up further amendments. The text of it is: amendment number 3, page 2, line 31, between line 31 and 32, insert the following paragraph: "C. No teacher in public elementary or secondary school or instructor in any

[EXHIBIT E-A(11)]

state-supported university in Louisiana, who chooses to be a creation-scientist or to teach scientific data which points to creationism shall, for that reason, be discriminated against in any way by any school board, college board, or administrator." And then, all the other amendments change [52] the word from may to shall and makes it a mandated act for the legislature. Mr. Jenkins.

KEITH: Mr. Chairman, I think that this particular set of amendments does two things. First of all, it guarantees that we will not discriminate against any science teacher in this state whether at the elementary or secondary level or at the university level who chooses to give that scientific information and scientific data and evidences which point to creation. The second aspect of the

[EXHIBIT E-A(11)]

amendment would restore the mandatory nature of teaching scientific-creationism. Now, I would just point out to the committee that this bill does not require any school teacher or any school board to teach scientific-creationism. It simply says, that if that school board chooses to teach evolution that they will balance it by teaching those evidences that point to scientific-creationism. In other words, it's left up totally to the school board. My preference would be that neither be taught. The reason I introduced this bill was to make sure that there is a balance, should the school districts choose to teach evolution.

LONG: As one member of this committee, let me say this: I oppose this amendment, and I vote in case of a tie, if there was a tie -- I'm very much

[EXHIBIT E-A(11)]

against it because you change the bill entirely back to a mandated situation with this amendment. The bill you brought it from the Senate, I can live with it, not with this amendment.

KEITH: I understand.

LONG: Mr. Dunn.

DUNN: Point of information, can those two be divided?

LONG: Yes, they are divisible.

DUNN: Ok, I suggest that we divide them.

LONG: We can divide them and vote on amendment number 3, which says that no teacher in the public elementary or secondary school or instructor in any state-supported university, who chooses to be a creation-scientist or to teach scientific data which points [53] to creationism shall be discriminated against in any way by any school board,

[EXHIBIT E-A(11)]

college board, or administrator. My only problem with this amendment and with the bill as far as that goes is that you're talking about a set of regulations that you're imposing on public education but you're not touching private education. Why? If it's good for public education why is it not good for private education?

KEITH: Mr. Long, you may have raised a significant question. In my understanding, the Louisiana legislature does not have that direct control over -- (CHANGED TAPE) --

JENKINS: When we make rules and regulations for public schools and public colleges, we're doing so, I feel, in an administratlve capacity, because we are in a very real sense like a board of directors for those -- that overall system. If we attempt to

[EXHIBIT E-A(11)]

regulate private education, private schools, we're doing so not as administrators, we're doing so in a regulatory capacity. We're imposing the force of law on the private institutions, not because we fund them or because we're their regulatory or administrative board, but strictly in a governmental capacity. I see it as quite a different situation.

LONG: O.K. gentlemen, we,'11 vote on the two bills. We'll divide the amendments and vote on amendments 1, 2, 3 --

EBARB: 1, 2, 3, 4, 5, 6 and 7 --

LONG: 1, 2, 3, 4, 5, 6 and 7 which change the bill from permissive to mandate, and then we'll vote on amendment number 3 which has just been mentioned to you. On amendments number 1, 2, 3, 4, 5, 6 and 7 which change the

[EXHIBIT E-A(11)]

bill to mandated position, to a may instead -- from may to shall, we'll vote on that amendment first, and then we'll vote on amendment number 3 which deals with the other language, and we'll restate it again when we vote on it. Alright, what's the pleasure of the committee with reference to amendments number 1, 2, 3, 4, 5, 6 and 7?

CAIN: I move for a favorable passage.

LONG: Mr. Cain has moved that we change may to shall, to which there is objection. I'm going to offer a substitution motion, [54] that 8 amendments 1, 2, 3, 4, 5, 6 and 7 be rejected and then we'll vote on that. As many of you as are in favor of the substitute motion to reject amendments 1, 2, 3, 4, 5, 6, and 7 will answer yes, and those who do not want to reject

[EXHIBIT E-A(11)]

the amendments will vote no. Secretary, call the roll.

KLOSS: Mr. Ackal, Mr. Cain.

CAIN: No.

KLOSS: Mr. Deen.

DEEN: No.

KLOSS: Mr. D'Gerolamo.

D'GEROLAMO: Yes.

KLOSS: Mr. Dunn.

DUNN: Yes.

KLOSS: Mr. Fair.

FAIR: Yes.

KLOSS: Mr. Alphonse Jackson, Mr. Johnny Jackson, Mr. Jenkins.

JENKINS: No.

KLOSS: Mr. Leithman.

LEITHMAN: Yes.

KLOSS: Mr. McFerren.

MCFERREN: No.

KLOSS: Mr. O'Neal.

O'NEAL: Yes.

[EXHIBIT E-A(11)]

KLOSS: Mr. Francis Thompson, Mr. Michael Thompson.

M. THOMPSON: No.

KLOSS: Mr. Waddell.

WADDELL: No.

KLOSS: Mr. West.

LONG: Five to six and the motion failed, so Mr. Cain's motion that the amendments be adopted.

CAIN: I move a favorable report on the others, too. Let's vote.

LONG: We haven't disposed of the amendments. We'll call the roll now, if you're in favor of the Cain motion that that amendment be adopted, you'll vote yes, if you're opposed to it you'll vote no. Now, the motion is in the affirmative, to [55] accept amendments 1, 2, 3, 4, 5, 6 and 7. If you're in favor of the amendments vote yes. Secretary, call the roll.

[EXHIBIT E-A(11)]

KLOSS: Mr. Ackal, Mr. Cain.

CAIN: Yes.

KLOSS: Mr. Deen.

DEEN: Yes.

KLOSS: Mr. D'Gerolamo.

D'GEROLAMO: No.

KLOSS: Mr. Dunn.

DUNN: No.

KLOSS: Mr. Fair.

FAIR: Yes.

KLOSS: Mr. Alphonse Jackson, Mr. Johnny Jackson, Mr. Jenkins.

JENKINS: Yes

KLOSS: Mr. Leithman.

LEITHMAN: No.

KLOSS: Mr. McFerren.

MCFERREN: Yes.

KLOSS: Mr. O'Neal.

O'NEAL: No.

KLOSS: Mr. Francis Thompson, Mr. Michael Thompson

[EXHIBIT E-A(11)]

M. THOMPSON: Yes.

KLOSS: Mr . Waddell.

WADDELL: Yes.

KLOSS: Mr. West.

LONG: Seven to four, the amendments are adopted. Now, we'll vote on amendment number 3.

CAIN: I move a favorable report.

(DISCUSSION OFF THE MIKE)

LONG: Amendment 3 would say that no teacher in public elementary school or instructor in any state-supported university who chooses to teach creation-science, or to teach scientific data which points to creationism, shall be discriminated against in any way by any school board, college board, or administrator. Mr. Cain has moved that the amendment be reported favorably. [56] The secretary will call the roll.

[EXHIBIT E-A(11)]

KLOSS: Mr. Ackal, Mr. Cain.

CAIN: Yes.

KLOSS: Mr. Deen.

DEEN: Yes.

KLOSS: Mr. D'Gerolamo.

D'GEROLAMO: Yes.

KLOSS: Mr. Dunn.

DUNN: Yes.

KLOSS: Mr. Fair.

FAIR: Yes.

KLOSS: Mr. Alphonse Jackson, Mr. Johnny Jackson, Mr. Jenkins.

JENKINS: Yes.

KLOSS: Mr. Leithman.

LEITHMAN: Yes.

KLOSS: Mr. McFerren.

MCFERREN: Yes.

KLOSS: Mr. O'Neal.

O'NEAL: Yes.

KLOSS: Mr. Francis Thompson, Mr. Michael Thompson.

[EXHIBIT E-A(11)]

M. THOMPSON: Yes.

KLOSS: Mr. Waddell.

WADDELL: Yes.

KLOSS: Mr. West.

LONG: The amendments stand adopted. Further amendments?

EBARB: No,sir.

LONG: Further discussion on the bill.

O'NEAL: Yes, there is some discussion on the bill, and I'll move in just a minute, but I think Mr. Chairman and members of the committee and those in the audience, it's a very interesting and important lesson for us to learn from this bill, and it doesn't necessarily have to do with evolution, in fact it doesn't, with evolution or with scientific-creationism. We have here a group of people, the evolutionists that feel very strongly about their position,

[EXHIBIT E-A(11)]

and they have some good arguing [57] points, and on the other side we have those who advocate the scientific-creationism, and they have very strong arguing points. When this committee votes the bill out today, one group or the other is going to be dissatisfied, they're going to be unhappy. One side will win only at the expense of dissatisfaction of the other side and when we look at the public school system todays and the dissatisfaction we see in it, we can see that this very kind of a problem is one of the sources of the dissatisfaction because the monolithic, singular system to which every child in the State of Louisiana is compelled to attend, unless they are fortunate enough to have the finances to go to a private school, they're all subjected to exactly the same curriculum. Whenever you have

[EXHIBIT E-A(11)]

this kind of issue sex education is another good example, one side will win only at the expense and dissatisfaction of the other side. Now, it doesn't have to be that way. Everybody could be happy, and the way everybody could be happy would be to have a system of education under which people could make a choice. Those who wanted to go to a school that taught evolution exclusively could choose to go there, and those who wanted to go to a school that taught scientific creationism could go there or maybe to a school that gave you the option of both. But, so long as we have a singular monolithic system run by the state legislature that compels everyone to attend and to be subjected to the same rules and regulations, it's inevitable that within that system there's going to be discord and

[EXHIBIT E-A(11)]

unhappiness, and this is a perfect example of it. If we want a system of education in the State of Louisiana that will provide satisfaction and option to the people, and all it's about is serving the people, that's the only reason we have schools, that's the only reason we have teachers, the only reason we have the buildings, the only reason we appropriate the money is for the youngsters, not for the system itself. Then we are going to have to provide a diversity, a plurality, a choice that is not present in the present system. [58]

LONG: Further discussion.

CAIN: I move to the previous question.

LONG: Senator Keith, you have the right to close.

KEITH: Mr. Chairman, I have no further remarks other than to say

[EXHIBIT E-A(11)]

I appreciate very much the opponents to the bill because I know they spoke from honest hearts, and I think that what you have here today is that you have evolutionists and you have creation-scientists, and I think that the evidence you've heard today points that there is a body of knowledge that supports both concepts, and I simply think based on that, that both concepts ought to be taught in our schools. Thank you.

CAIN: I move a favorable report of the bill.

LONG: Mr. Cain moves that the bill be reported with amendments. Therefore, as many of you as are in favor of reporting the bill with amendments vote yes, those opposed vote no. Secretary, call the roll.

[EXHIBIT E-A(11)]

KLOSS: Mr. Ackal, Mr. Cain.

CAIN: Yes.

KLOSS: Mr. Deen.

DEEN: Yes.

KLOSS: Mr. D'Gerolamo.

D'GEROLAMO: Yes.

KLOSS: Mr. Dunn.

DUNN: Yes.

KLOSS: Mr. Fair.

FAIR: Yes.

KLOSS: Mr. Alphonse Jackson, Mr. Johnny Jackson, Mr. Jenkins.

JENKINS: Yes.

KLOSS: Mr. Leithman.

LEITHMAN Yes.

KLOSS: Mr. McFerren.

MCFERREN: Yes.

KLOSS: Mr. O'Neal.

O'NEAL: Yes.

KLOSS: Mr. Francis Thompson, Mr. Michael Thompson. [59]

[EXHIBIT E-A(11)]

"M THOMPSON Yes.

KLOSS: Mr. Waddell.

WADDELL: Yes.

KLOSS: Mr. West.

KEITH: Thank you very much, gentlemen.

[CERTIFICATION OMITTED]

[EXHIBIT E-A(12)]

[1] HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Education to Senate Bill No. 86 by Mr. Keith and Richey

Amend reengrossed bill as follows:

AMENDMENT NO. 1

On page 1, delete lines 2 through 4, both inclusive, in their entirety, and insert in lieu thereof the following:

"To amend Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Sub-Part, to be designated as Sub-Part D-2 thereof, comprised of Sections 286.1 through 286.7, both inclusive, relative to balanced treatment of"

AMENDMENT NO. 2

[EXHIBIT E-A(12)]

On page 1, at the end of line 5, after the word "to" delete the word "permit" and insert in lieu thereof the word "required"

AMENDMENT NO. 3

On page 1, delete lines 13 through 15, both inclusive, and at the beginning of line 16, before the word "BALANCED" delete the following: "CHAPTER 30." and insert in lieu thereof the following:

"Section 1. Sub-Part D-2 of Part III of Chapter I of Title 17 of the Louisiana Revised Statutues of 1950, comprised of Sections 286.1 through 286.7, both inclusive, is hereby enacted to read as follows:

CHAPTER I. GENERAL SCHOOL LAW

* * *

[EXHIBIT E-A(12)]

PART III. PUBLIC SCHOOLS AND SCHOOL CHILDREN

* * *

SUB-PART D-2.

AMENDMENT NO. 4

On Page 1, delete line 18 in its entirety, and insert in lieu thereof the following:

"Section 286.1. Short Title"

AMENDMENT NO. 5

On page 1, delete line 21 in its entirety, and insert in lieu thereof the following:

"Section 286.2. Purpose"[2]

AMENDMENT NO. 6

On page 2, delete line 1 in its entirety, and insert in lieu thereof the following:

"Section 286.3. Definitions"

[EXHIBIT E-A(12)]

AMENDMENT NO. 7

On page 2, at the beginning of line 15, before the word "Authorization" delete the following: "Section 3704." and insert in lieu thereof the following: "Section 286.4."

AMENDMENT NO. 8

On page 2, line 18, after the word "state" and before the word "give" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT NO. 9

On page 2, at the beginning of line 20, before the words "be given" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT NO. 10

On page 2, at the end of line 26, after the period "." add the following:

"When creation or evolution is taught, each shall be taught as a

[EXHIBIT E-A(12)]

theory, rather than as proven scientific fact."

AMENDMENT NO. 11

On page 2, between lines 31 and 32, insert the following:

" C. No teacher in public elementary or secondary school or instructor in any state-supported university in Louisiana, who chooses to be a creation-scientist or to teach scientific data which points to creationism shall, for that reason, be discriminated against in any way by any school board, college board, or administrator."

AMENDMENT NO. 12

On page 2, delete line 32 in its entirety, and insert in lieu thereof the following:

"Section 286.5. Clarifications" [3]

[EXHIBIT E-A(12)]

AMENDMENT NO. 13

On page 3, at the beginning of line 9, before the word "Funding" delete the following: "Section 3706." and insert in lieu thereof the following: "Section 286.6."

AMENDMENT NO. 14

On page 3, at the beginning of line 11, before the word "use" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT NO. 15

On page 3, line 14, after the word "funds" and before the word "be" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT NO. 16

On page 3, delete line 18 in its entirety, and insert in lieu thereof the following:

[EXHIBIT E-A(12)]

"Section 286.7. Curriculum Development"

AMENDMENT NO. 17

On page 3, line 19, after the word "board" and before the word "develop" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT NO. 18

On page 3, line 22, after the word "governor" and before the word "designate" delete the word "may" and insert in lieu thereof the word "shall"

* * *

[4] AMEND THE REENGROSSED BILL AS FOLLOWS:

AMENDMENT NO. 1

In House Committee Amendment No. 1 proposed by the House Committee on

[EXHIBIT E-A(12)]

Education, on line 7, after "treatment" insert "of"

AMENDMENT NO. 2

Page 1, Line 19 - Change "Chapter" to "Subpart"

AMENDMENT NO. 3

Page 1, Line 22 - Change "Chapter" to "Subpart"

AMENDMENT NO. 4

Page 2, Line 2 - Change "Chapter" to "Subpart"

AMENDMENT NO. 5

Page 2, Line 33 - Change "Chapter" to "Subpart"

AMENDMENT NO. 6

Page 3, Line 1 - Change "Chapter" to "Subpart"

AMENDMENT NO. 7

Page 3, Line 4 - Change "Chapter" to "Subpart"

[EXHIBIT E-A(12)]

* * *

[5] HOUSE FLOOR AMENDMENTS

Amendment proposed by Mr. Cain

to Senate Bill No. 86 by Mr. Keith

Amend Engrossed bill as follows:

AMENDMENT NO. 1

Add the following as co-authors:

F. Thompson

Cain

[EXHIBIT E-A(13)]

[1] Regular Session, 1981

SENATE BILL NO. 86

BY MESSRS. KEITH AND RICHEY AND REPRESENTATIVES F. THOMPSON AND CAIN

ACT NO. 685

AN ACT

To amend Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Sub-Part, to be designated as Sub-Part D-2 thereof, comprised of Sections 286.1 through 286.7, both inclusive, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment, to bar discrimination on the basis of creationist or evolutionist belief, to provide definitions and clarifications, to declare the

[EXHIBIT E-A(13)]

legislative purpose, to provide relative to inservice teacher training and materials acquisition, to provide relative to curriculum development, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Sub-Part D-2 of Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950, comprised of Sections 286.1 through 286.7, both inclusive, is hereby enacted to read as follows:

CHAPTER I. GENERAL SCHOOL LAW

* * *

PART III. PUBLIC SCHOOLS AND SCHOOL CHILDREN

* * *

[EXHIBIT E-A(13)]

SUB-PART D-2. BALANCED TREATMENT FOR CREATION-SCIENCE AND EVOLUTION-SCIENCE IN PUBLIC SCHOOL INSTRUCTION

Section 286.1. Short Title

This Subpart shall be known as the "Balanced Treatment for Creation-Science and Evolution-Science Act."[2]

Section 286.2. Purpose

This Subpart is enacted for the purposes of protecting academic freedom.

Section 286.3. Definitions

As used in this Subpart, unless otherwise clearly indicated, these terms have the following meanings:

(1) "Balanced treatment" means providing whatever information an instruction in both creation and evolution models the classroom teacher determines is necessary and appropriate to provide insight into both theories in

view of the textbooks and other instructional materials available for use in his classroom.

(2) "Creation-science" means the scientific evidences for creation and inferences from those scientific evidences.

(3) "Evolution-science" means the scientific evidences for evolution and the inferences from those scientific evidences.

(4) "Public schools" mean public secondary and elementary schools.

Section 286.4. Authorization for balanced treatment; requirement for nondiscrimination

A. Commencing with the 1982-1983 school year, public schools within this state shall give balanced treatment to creation-science and evolution-science. Balanced treatment of these two models

shall be given in classroom lectures taken as a whole for each course, in textbook materials taken as a whole for each course, and library materials taken as a whole for the sciences and taken as a whole for the humanities, and in other education programs in public schools, to the extent that such lectures, textbooks, library materials, or educational programs deal in any way with the subject of the origin of man, life, the earth, or the universe. When creation or evolution is taught, each shall be taught as a theory, rather than as a proven scientific fact.

B. Public schools within this state and their personnel shall not discriminate by reducing the grade of a student or by singling out and publicly criticizing any student who demonstrates a satisfactory understanding of both

evolution-science or creation-science and who [3] accepts or rejects either model in whole or in part.

C. No teacher in public elementary or secondary school or instructor in any state-supported university in Louisiana, who chooses to be a creation-scientist or to teach scientific data which points to creationism shall, for that reason, be discriminated against in any way by any school board, college board, or administrator.

Section 286.5. Clarifications

This Subpart does not require any instruction in the subject of origins but simply permits instruction in both scientific models (of evolution-science and creation-science) if public schools choose to teach either. This Subpart does not require each individual textbook or library book to give

balanced treatment to the models of evolution-science and creation-science; it does not require any school books to be discarded. This Subpart does not require each individual classroom lecture in a course to give such balanced treatment but simply permits the lectures as a whole to give balanced treatment; it permits some lectures to present evolution-science and other lectures to present creation-science.

Section 286.6 Funding of inservice training and materials acquisition

Any public school that elects to present any model of origins shall use existing teacher inservice training funds to prepare teachers of public school courses presenting any model of origins to give balanced treatment to the creation-science model and the

evolution-science model. Existing library acquisition funds shall be used to purchase non-religious library books as are necessary to give balanced treatment to the creation-science model and the evolution-science model.

Section 286.7 Curriculum Development

A. Each city and parish school board shall develop and provide to each public school classroom teacher in the system a curriculum guide on presentation of creation-science.

B. The governor shall designate seven creation-scientists who shall provide resource services in the development of curriculum guides to any city or parish school board upon request. Each such creation-scientist shall be designated from among the full-time [4] faculty members teaching in any

college and university in Louisiana. These creation-scientists shall serve at the pleasure of the governor and without compensation.

Section 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

[signatures and identical copy omitted]

[EXHIBIT E-A(14)]

REENGROSSED BILL

The digest to this bill printed below was proposed by the House Legislative Council. It constitutes no part of the bill.

Keith, Richey Act SB No. 86

Requires, commencing with the 1982-83 school year, balanced treatment of creation-science and evolutionary-science in all modes of instruction, taken as a whole, used ir public elementary and secondary classrooms to present information on the subject of the origin of the universe, earth, and life forms. — Provides legislative purposes, definitions, and clarifications, and provides for in-service

[EXHIBIT E-A(14)]

training of teachers and materials acquisition. Requires that evolution and creation both be taught as theories, rather than proven scientific fact. Prohibits discrimnination against teachers at any level because they are creation scientists or because they teach scientific data pointing to creationism. Prohibits grade reduction or public criticism by any school personnel of any student who demonstrates a satisfactory understanding of both evolution-science or creation-science and accepts or rejects either model.

(Adds R.S. 17:286.1 - 17:286.7)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Comittee on Education to the Original Bill

[EXHIBIT E-A(14)]

1. Restates legislative purpose.

2. Eliminates statements of legislative findings of fact.

3. Adds definition of "balanced treatment."

4. Deletes all references to religion.

5. Adds provision permitting use of local funds to acquire materials and provide inservice training for teachers.

6. Adds provision permitting local school boards to develop curriculum guides.

7. Adds provision authorizing governor to select seven creationists to serve as a resource panel to local school boards in developing curriculum.

8. Changes substantive provisions of bill from mandatory to permissive.

Summary of Amendments Adopted by House

[EXHIBIT E-A(14)]

Committee Amendments Proposed by House Committee on Education to Reengrossed Bill.

1. Changes substantive provisions of Act to make Act mandatory rather than permissive.

2. Requires that when evolution and/or creation are taught, they be taught as theories, not as scientific fact.

3. Prohibits discrimination against teachers at any level because they are creation scientists or because they teach scientific data pointing to creationism.

4. Renumbers statutory provisions of Act, placing such provisions under General School Law in area relating to curricula.

* * * *

[EXHIBIT E-A(14)]

[15] SENATE BILL No. 86--

By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and

[EXHIBIT E-A(14)]

clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

The above bill was read by title.

On motion of Mr. Nunez, the bill was referred to the Committee on Education.

* * * *

SUPPLEMENTAL REPORT OF COMMITTEE ON EDUCATION

[783] Mr. Brinkhaus, Chairman on behalf of the Committee of Education submitted the following report:

Senate Chamber

State Capitol

State of Louisiana

[EXHIBIT E-A(14)]

May 28, 1981, Baton Rouge, La.

To the President and Members of the Senate:

Gentlemen:

I am directed by your Committee on Education to submit the following report:

SENATE BILL No. 86--

By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chap er, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and

[EXHIBIT E-A(14)]

evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to pronibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

Reported with amendments.

SENATE COMMITTEE AMENDMENTS

[EXHIBIT E-A(14)]

Amendments proposed by Senate Committee on Education to Senate Bill No. 86 by Mr. Keith

Amend original bill as follows:

AMENDMENT No. 1 --

On page 1, line 4, after the word "through" delete the figure "R.S. 17:3706" and insert in lieu thereof the figure "R.S. 17:3707"

AMENDMENT No. 2 --

On page 1, line 6 delete the word "require" and insert in lieu thereof the word "permit" and after the word and semicolon "treatment;" delete the remainder of the line and delete lines 7 through 9 in their entirety and on line 10 delete the words and semicolon "concerning origins;"

AMENDMENT No. 3 --

[EXHIBIT E-A(14)]

On page 1, line 12 and 13, delete "and legislative findings of fact" and insert in lieu thereof the comma and words ", to provide relative to inservice teacher-training and materials acquisition, to provide relative to curriculum development"

AMENDMENT No. 4 --

On page 1, line 16, delete the figure "3706" and insert in lieu thereof "3707"

AMENDMENT No. 5 --

On page 2, line 1, after the word "freedom" insert a period "." and delete the remainder of the line and delete the lines 2 through 35 in their entirety and delete page 3 in its entirety and on page 4, delete lines 1 through 3 in their entirety

AMENDMENT No. 6 --

On page 4, line 4, delete the figure "3707" and insert in lieu thereof "3703"

[EXHIBIT E-A(14)]

AMENDMENT No. 7 --

On page 4, between lines 6 and 7 insert the following:

"(1) "Balanced Treatment" means providing whatever information and instruction in both creation and evolution models the classroom teacher determines is necessary and appropriate to provide insight into both theories in view of the textbooks and other institutional materials available for use in his classroom."

AMENDMENT No. 8 --

On page 4, line 7, delete the figure "(1)" and insert in lieu thereof "(2)"

AMENDMENT No. 9 --

On page 4, line 8, after the word and period "evidences." delete the remainder of the line and delete lines 9 through 17 in their entirety.

AMENDMENT No. 10 --

[EXHIBIT E-A(14)]

On page 4, line 18, delete the figure "(2)" and insert in lieu thereof the figure "(3)"

AMENDMENT No. 11 --

On page 4, delete lines 20 through 30 in their entirety

AMENDMENT No. 12 --

On page 4, line 31, delete the figure "(3)" and insert in lieu thereof the figure "(4)"

[784]

AMENDMENT No. 13 --

On page 5, line 1, delete the figure "3705" and insert in lieu thereof the figure "3704" and delete the word "Requirement" and insert in lieu thereof the word "Authorization" and delete the word "prohibition" and on line 2 delete the words and semicolon "against religious instruction;"

AMENDMENT No. 14 --

[EXHIBIT E-A(14)]

On page 5, line 5, delete the word "shall" and insert in lieu thereof the word "may"

AMENDMENT No. 15 --

On page 5, line 7, delete the word "shall" and insert in lieu thereof the word "may"

AMENDMENT No. 16 --

On page 5, delete lines 15 through line 18 in their entirety

AMENDMENT No. 17 --

On page 5, line 19, delete the letter "C" and insert in lieu thereof the letter "B"

AMENDMENT No. 18 --

On page 5, line 24, delete the figure "3706" and insert in lieu thereof the figure "3705"

AMENDMENT No. 19 --

On page 5, delete line 25 in its entirety and on line 26 delete the words

[EXHIBIT E-A(14)]

and period "religious doctrine or materials."

AMENDMENT No. 20 --

On page 5, line 27, delete the word "requires" and insert in lieu thereof the word "permits"

AMENDMENT No. 21 --

On page 5, line 35, delete the word "requires" and insert in lieu thereof the word "permits"

AMENDMENT No. 22 --

On page 6, between lines 2 and 3, insert the following:

"Section 3706. Funding of inservice training and materials acquisition

Any public school that elects to present any model of origins may use existing teacher inservice training funds to prepare teachers of public school courses presenting any model of origins to give balanced treatment to

[EXHIBIT E-A(14)]

the creation-science model and the evolution-science model. Existing library acquisition funds may be used to purchase nonreligious library books as are necessary to give balanced treatment to the creation-science model and the evolution-science model.

"Section 3707. Curriculum development

A. Each city and parish school board may develop and provide to each public school classroom teacher in the system a curriculum guide on presentation of creation-science.

B. The governor may designate seven creation-scientists who shall provide resource services in the development of curriculum guides to any city or parish school board upon request. Each such creation-scientist shall be designated from among the full-time faculty members teaching in any college and university

[EXHIBIT E-A(14)]

in Louisiana. These creation-scientists shall serve at the pleasure of the governor and without compensation."

Respectfully submitted,

ARMAND J. BRINKHAUS

Chairman

[EXHIBIT E-A(14)]

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

Mr. Brinkhaus asked for and obtained a suspension of the rules to take up at this time the following Senate bills and joint resolutions just reported by committees, with a view of acting on same:

SENATE BILL No. 86 --

By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science

[EXHIBIT E-A(14)]

and evolution-science in public schools. to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpcse and legislative findings of fact, and otherwise to provide with respect thereto.

Reported with amendments by the Committee on Education.

The above bill was read by title.

The committee amendments were read as follows:

[EXHIBIT E-A(14)]

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Senate Bill No.86 by Mr.Keith.

Amend original bill as follows:

AMENDMENT No. 1 --

On page 1, line 4, after the word "through" delete the figure "R.S. 17:3706" and insert in lieu thereof the figure "R.S. 17:3707"

AMENDMENT No. 2 --

On page 1, line 6 delete the word "require" and insert in lieu thereof the word "permit" and after the word and semicolon "treatment;" delete the remainder of the line and delete lines 7 through 9 in their entirety and on line 10 delete the words and semicolon "concerning origins;"

[EXHIBIT E-A(14)]

AMENDMENT No. 3 --

On page 1, line 12 and 13, delete "and legislative findings of fact" and insert in lieu thereof the comma and words", to provide relative to inservice teacher-training and materials acquisition, to provide relative to curriculum development"

AMENDMENT No. 4 --

On page 1, line 16, delete the figure "3706" and insert in lieu thereof "3707"

AMENDMENT No. 5 --

On page 2, line 1, after the word "freedom" insert a period "." and delete the remainder of the line and delete the lines 2 through 35 in their entirety and delete page 3 in its entirety and on page 4, delete lines 1 through 3 in their entirety

AMENDMENT No. 6 --

[EXHIBIT E-A(14)]

On page 4, line 4, delete the figure "3707" and insert in lieu thereof "3703"

AMENDMENT No. 7 --

On page 4, between lines 6 and 7 insert the following:

"(1) "Balanced Treatment" means providing whatever information and instruction in both creation and evolution models the classroom teacher determines is necessary and appropriate to provide insight into both theories in view of the textbooks and other institutional materials available for use in his classroom."

AMENDMENT No. 8 --

On page 4, line 7, delete the figure "(1)" and insert in lieu thereof "(2)"

AMENDMENT No. 9 --

On page 4, line 8, after the word and period "evidences." delete the remainder

of the line and delete lines 9 through 17 in their entirety.

AMENDMENT No. 10 --

On page 4, line 18, delete the figure "(2)" and insert in lieu thereof the figure "(3)"

AMENDMENT No. 11 --

On page 4, delete lines 20 through 30 in their entirety

AMENDMENT No. 12 --

On page 4, line 31, delete the figure "(3)" and insert in lieu thereof the figure "(4)"

[784]

AMENDMENT No. 13 --

On page 5, line 1, delete the figure "3705" and insert in lieu thereof the figure "3704" and delete the word "Requirement" and insert in lieu thereof the word "Authorization" and delete the word "prohibition" and on line 2 delete

[EXHIBIT E-A(14)]

the words and semicolon "against religious instruction;"

AMENDMENT No. 14 --

On page 5, line 5, delete the word "shall" and insert in lieu thereof the word "may"

AMENDMENT No. 15 --

On page 5, line 7, delete the word "shall" and insert in lieu thereof the word "may"

AMENDMENT No. 16 --

On page 5, delete lines 15 through line 18 in their entirety

AMENDMENT No. 17 --

On page 5, line 19, delete the letter "C" and insert in lieu thereof the letter "B"

AMENDMENT No. 18 --

On page 5, line 24, delete the figure "3706" and insert in lieu thereof the figure "3705"

[EXHIBIT E-A(14)]

AMENDMENT No. 19 --

On page 5, delete line 25 in its entirety and on line 26 delete the words and period "religious doctrine or materials."

AMENDMENT No. 20 --

On page 5, line 27, delete the word "requires" and insert in lieu thereof the word "permits"

AMENDMENT No. 21 --

On page 5, line 35, delete the word "requires" and insert in lieu thereof the word "permits"

AMENDMENT No. 22 --

On page 6, between lines 2 and 3, insert the following:

"Section 3706. Funding of inservice training and materials acquisition

Any public school that elects to present any model of origins may use existing teacher inservice training

funds to prepare teachers of public school courses presenting any model of origins to give balanced treatment to the creation-science model and the evolution-science model. Existing library acquisition funds may be used to purchase nonreligious library books as are necessary to give balanced treatment to the creation-science model and the evolution-science model.

"Section 3707. Curriculum development

A. Each city and parish school board may develop and provide to each public school classroom teacher in the system a curriculum guide on presentation of creation-science.

B. The governor may designate seven creation-scientists who shall provide resource services in the development of curriculum guides to any city or parish school board upon request. Each such

[EXHIBIT E-A(14)]

creation-scientist shall be designated from among the full-time faculty members teaching in any college and university in Louisiana. These creation-scientists shall serve at the pleasure of the governor and without compensation."

On motion of Mr. Brinkhaus, the above committee amendments were adopted.

On motion of Mr. Brinkhaus, the above bill, as amended, was ordered engrossed and passed to a third reading.

* * * *

[848]

SENATE BILL No. 86 --

By Mr. Keith:

AN ACT

[EXHIBIT E-A(14)]

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

[EXHIBIT E-A(14)]

Floor Amendments Sent Up

Mr. Nunez sent up floor amendments to the above bill at this time with a view of acting on same.

The amendments were sent up and read as follows:

SENATE FLOOR AMENDMENTS

Amendments proposed by Mr. Nunez on behalf of the Legislative Bureau to Senate Bill No. 86 by Mr. Keith.

Amend engrossed bill as follows:

AMENDMENT No. 1 --

Page 1, Line 5 - Change "require" to "permit"

AMENDMENT No. 2 --

Page 1, Lines 6, 7, and 8 - change the semicolons to commas

AMENDMENT No. 3 --

[EXHIBIT E-A(14)]

Page 2. Line 34 - After "origins" delete the comma

AMENDMENT No. 4 --

Page 3. Line 6 - After "treatment" delete the commas

On motion of Mr. Nunez, the above amendments were adopted.

Floor Amendments Sent Up

Mr. Richey sent up a floor amendment to the above bill at this time with a view of acting on same.

The amendment was sent up and read as follows:

SENATE FLOOR AMENDMENT

Amendment proposed by Mr. Richey to Senate Bill No. 86 by Mr. Keith.

Amend engrossed bill as follows:

[EXHIBIT E-A(14)]

AMENDMENT No. 1 --

Add Senator Richey as a co-author

On motion of Mr. Richey, the above amendment was adopted.

The bill was read by title.

Mr. Keith moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Messrs. --

Mr. President

Bares

Barham

Brinkhaus

Campbell

Decuir

Dykes

[EXHIBIT E-A(14)]

Ginn

Hickey

Hudson

Jumonville

Keith

Kelly

Kiefer

Landry

Lauricella

McLeod

Neeson

[849]

Newman

Nicholson

Nunez

Osterberger

Picard

Posten

Randolph

Rayburn

Richey

[EXHIBIT E-A(14)]

Saunders

Sevario

Swearingen

Tiemann

Windhorst

Total -- 32

NAYS

Messrs. --

Braden

Casey

Guarisco

Jefferson

Nelson

Total -- 5

ABSENT

Mr. Chabert

Total -- 1

[EXHIBIT E-A(14)]

And the Chair declared that the above bill was finally passed, as amended.

The title to the above bill was read and adopted.

Mr. Keith moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

[EXHIBIT E-A(14)]

[1252]

Message from the Senate

SENATE BILLS

Senate Chamber

State Capital

State of Louisiana

June 3, 1981, Baton Rouge, LA

* * * *

SENATE BILL No. 86 --

By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools.

to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

* * * *

[1256]

Senate Bills and Joint Resolutions

On First Reading

The following entitled Senate Bills and Joint Resolutions on first reading

[EXHIBIT E-A(14)]

were taken up, read, and placed upon the calendar for their second reading:

* * * *

SENATE BILL No. 86 --

By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit

[EXHIBIT E-A(14)]

religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

Read by title.

* * * *

[12/7]

SENATE BILL No. 86 --

By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated

[EXHIBIT E-A(14)]

as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

Read by title.

Under the rules, the above bill was referred to the Committee on Education.

[EXHIBIT E-A(14)]

* * * *

[2295]

SENATE BILL No. 86 --

By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent

[EXHIBIT E-A(14)]

establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

Reported with amendments. (11-0) (Regular)

* * * *

[2345]

SENATE BILL No. 86 --

By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding

[EXHIBIT E-A(14)]

thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

Reported with amendments.

[EXHIBIT E-A(14)]

* * * *

[2431]

SENATE BILL No. 86 --

By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning

[EXHIBIT E-A(14)]

origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

Reported with amendments by the Committee on Education.

The above bill was read by title.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Education to Senate Bill No. 86 by Messrs. Keith and Richey.

Amend reengrossed bill as follows:

AMENDMENT No. 1 --

[EXHIBIT E-A(14)]

On page 1, delete lines 2 through 4, both inclusive, in their entirety, and insert in lieu thereof the following:

"to amend Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Sub-Part, to be designated as Sub-Part D-2 thereof, comprised of Sections 286.1 through 286.7, both inclusive relative to balanced treatment"

AMENDMENT No. 2 --

On page 1, at the end of line 5, after the word "to" delete the word "permit" and insert in lieu thereof the word "require"

AMENDMENT No. 3 --

On page 1, delete lines 13 through 15, both inclusive, and at the beginning of line 16, before the word "BALANCED" delete the following:

[EXHIBIT E-A(14)]

"Section 1. Sub-Part D-2 Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950, comprised of Sections 286.1 through 286.7, both inclusive, is hereby enacted to read as follows:

CHAPTER I. GENERAL SCHOOL LAW

* * *

PART III. PUBLIC SCHOOLS AND SCHOOL CHILDREN

* * *

SUB-PART D-2."

AMENDMENT No. 4 --

On page 1, delete line 18 in its entirety, and insert in lieu thereof the following:

"Section 286.1. Short Title"

AMENDMENT No. 5 --

[EXHIBIT E-A(14)]

On page 1, delete line 21 in its entirety, and insert in lieu thereof the following:

"Section 286.2. Purpose"

AMENDMENT No. 6 --

On page 2, delete line 1 in its entirety, and insert in lieu thereof the following:

"Section 286.3. Definitions"

AMENDMENT No. 7 --

On page 2, at the beginning of line 15, before the word "Authorization" delete the following: "Section 3704." and insert in lieu thereof the following: "Section 286.4."

AMENDMENT No. 8 --

On page 2, line 18, after the word "state" and before the word "give" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 9 --

[EXHIBIT E-A(14)]

On page 2, at the beginning of line 20, before the words "be given" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 10 --

On page 2, at the end of line 26, after the period "." add the following: "When creation or evolution is taught, each shall be taught as a theory, rather than as proven scientific fact."

[2432]

AMENDMENT No. 11 --

On page 2, between lines 31 and 32, insert the following:

"C. No teacher in public elementary or secondary school or instructor in any state-supported university in Louisiana, who chooses to be a creation-scientist or to teach scientific data which points to creationism shall, for that reason, be discriminated against in any way by

[EXHIBIT E-A(14)]

any school board, college board, or administrator."

AMENDMENT No. 12 --

On page 2, delete line 32 in its entirety, and insert in lieu thereof the following:

"Section >286.5. Clarifications"

AMENDMENT No. 13 --

On page 3, at the beginning of line 9, before the word "Funding" delete the following: "Section 3706." and insert in lieu thereof the following: "Section 286.6."

AMENDMENT No. 14 --

On page 3, at the beginning of line 11, before the word "use" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 15 --

On page 3, line 14, after the words "funds" and before the word "be" delete

[EXHIBIT E-A(14)]

the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 16 --

On page 3, delete line 18 in its entirety, and insert in lieu thereof the following:

"Section 286.7. Curriculum Development"

AMENDMENT No. 17 --

On page 3, line 19, after the word "board" and before the word "develop" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 18 --

On page 3, line 22, after the word "governor" and before the word "designate" delete the word "may" and insert in lieu thereof the word "shall"

Reported with amendments by the Legislative Bureau.

[EXHIBIT E-A(14)]

The Legislative Bureau amendments were read as follows:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by the Legislative Bureau to Senate Bill No. 86 by Messrs. Keith and Richey.

Amend the reengrossed bill as follows:

AMENDMENT No. 1 --

In House Committee Amendment No. 1 Proposed by the House Coimmitte on Education, on line 7, after "treatment" insert "of"

AMENDMENT No. 2 --

Page 1, Line 19 - Change "Chapter" to "Subpart"

AMENDMENT No. 3 --

Page 1, Line 22 - Change "Chapter" to "Subpart"

[EXHIBIT E-A(14)]

AMENDMENT No. 4 --

Page 2, Line 2 - Change "Chapter" to "Subpart"

AMENDMENT No. 5 --

Page 2, Line 33 - Change "Chapter" to "Subpart"

AMENDMENT No. 6 --

Page 3, Line 1 - Change "Chapter" to "Subpart"

AMENDMENT No. 7 --

Page 3, Line 4 - Change "Chapter" to "Subpart"

On motion of Mr. Long, the amendments were adopted.

On motion of Mr. Long, the bill, as amended was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

* * * *

[EXHIBIT E-A(14)]

[2932]

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to provide definitions and

[EXHIBIT E-A(14)]

clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

Mr. A. Jackson sent up a floor amendment which was read as follows:

HOUSE FLOOR AMENDMENT

Amendment proposed by Messrs. A. Jackson and Grisbaum to Senate Bill No. 86 by Mr. Keith.

Amend reengrossed bill as follows:

AMENDMENT No. 1 --

Delete House Committee Amendments Nos. 2, 8, 9, 14, 15, 17, and 18 proposed by the House Committee on Education and adopted by the House on June 27, 1981.

Mr. A. Jackson moved the adoption of the amendments.

[EXHIBIT E-A(14)]

Mr. F. Thompson objected.

A record vote was asked for and ordered by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Messrs. --

Mr. Speaker

Ackal

Bella

Borne

Charbonnet

Connor

Crosby

Cusimano

Dastugue

Delpit

[EXHIBIT E-A(14)]

DeWitt

D'Gerolamo

Dischler

Downer

Dunn

Fair

Faucheux

Fernandez

[2933]

Fowler

Gomez

Guidry

Hebert, M. J.
(53rd Dist.)

Jackson, A.
(2nd Dist.)

Jones

Laborde

Lalonde

LeBleu

Reilly

[EXHIBIT E-A(14)]

Scott

Siracusa

Thompson, R.S.

(25th Dist.)

Turnley

Ullo

Watermeier

West

Total -- 35

NAYS

Messrs. --

Accardeo

Adley

Alexander

Andrepont

Atkins

Baker

Benoit

Bleich

[EXHIBIT E-A(14)]

Blount

Bolin

Brady

Byrnes

Cain

Carson

Chaisson

Deen

Diez

Demos

Ensminger

Gee

Gunter

Haik

Heaton

Hebert, D. P.
(73rd Dist.)

Hogan

Jenkins

John

Kennard

[EXHIBIT E-A(14)]

Lancaster

Landrieu

Lanier

LeBlanc

Leithman

Lynn

Martin

McFerren

McVea

Morris

O'Neal

Patti

Russo

Schmitt

Scogin

Sheridan

Soileau

Strain

Theriot

Thompson, F. C.
(19th Dist.)

[EXHIBIT E-A(14)]

Thompson, M. F.

(43rd Dist.)

Waddell

Weaver

Williams

Total -- 52

ABSENT

Messrs.

Alario

Baggert

Bajoie

Bopp

Bruneau

Diesi

Doucet

Gaudin

Grisbaum

Jackson, J.

(101st Dist)

[EXHIBIT E-A(14)]

Johnson

Kember

Kimball

Long

Lowenthal

Simoneaux

Sour

Wall

Total --18

And the amendment was rejected.

Mr. F. Thompson moved to reconsider the vote by which the amendment was rejected, and, on his own motion, the motion to reconsider was laid on the table.

Mr. Cain sent up a floor amendment which was read as follows:

HOUSE FLOOR AMENDMENT

[EXHIBIT E-A(14)]

Amendment proposed by Mr. Cain to Senate Bill No. 86 by Mr. Keith.

Amend engrossed bill as follows:

AMENDMENT No. 1 --

Add the following as co-authors: F. Thompson, Cain

On motion of Mr. Cain, the amendment was adopted.

Mr. Cain moved to reconsider the vote by which the amendment was adopted, and, on his own motion, the motion to reconsider was laid on the table.

Mr. Dastugue sent up a floor amendment which was read as follows:

HOUSE FLOOR AMENDMENT

Amendment proposed by Mr. Dastugue to Senate Bill No. 86 by Mr. Keith.

Amend reengrossed bill as follows:

[EXHIBIT E-A(14)]

AMENDMENT No. 1 --

On page 1, delete lines 3 through 24, both inclusive, in their entirety, and on page 2, delete lines 1 through 35, both inclusive in their entirety, and on page 3, delete lines 1 through 28, both inclusive, in their entirety, and insert in lieu thereof the following:

"thereto a new Section, to be designated as Section 282 thereof, relative to instruction in evolution, to prohibit the teaching of evolution as fact rather than theory, and otherwise to provide with respect thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 282 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby enacted to read as follows:

[EXHIBIT E-A(14)]

Section 282. Instruction in evolution theory

Notwithstanding any provision of law to the contrary, no teacher shall provide instruction in evolution which states or implies that evolution is fact. Evolution shall be taught only as theory."

Motion

Mr. F. Thompson moved the previous question on the entire subject matter.

Mr. Watermeier objected.

By a vote of 57 yeas and 28 nays, the House ordered the previous question on the entire subject matter.

Mr. Dastugue moved the adoption of the amendment.

Mr. Williams objected.

A record vote was asked for and ordered by the House.

[EXHIBIT E-A(14)]

ROLL CALL

The roll was called wich the following result:

YEAS

Messrs. --

Accardo

Bella

Chaisson

Charbonnet

Crosby

Dastugue

Delpit

Diesi

Dischler

Doucet

Dunn

Faucheux

Fernandez

Gee

[EXHIBIT E-A(14)]

Gomez

Hebert, D. P.

(73rd Dist.)

Jackson, A.

(2nd Dist.)

Jones

Laborde

Lanier

Patti

Reilly

Schmitt

Sheridan

Simoneaux

Siracusa

Turnley

Watermeier

Total -- 28

NAYS

Messrs. --

[EXHIBIT E-A(14)]

Adley

Alexander

Andrepont

Atkins

Baker

Benoit

Bleich

Blount

Bolin

Borne

Brady

Byrnes

Cain

Carson

Conner

Cusimano

Deen

DeWitt

D'Gerolamo

Diez

Demos

[EXHIBIT E-A(14)]

Downer

Ensminger

Fair

Fowler

Gaudin

Guidry

Gunter

Haik

Heaton

Hogan

Jenkins

John

Johnson

Kennard

Lalonde

Lancaster

Landrieu

LeBlanc

[2934]

LeBleu

Leithman

[EXHIBIT E-A(14)]

Long

Lynn

Martin

McFerren

McVea

Morris

O'Neal

Russo

Scogin

Scott

Soileau

Strain

Theriot

Thompson, F. C.
(19th Dist.)

Thompson, M. F.
(43rd Dist.)

Thompson, R. S.
(25th Dist.)

Ullo

Waddell

[EXHIBIT E-A(14)]

Wall

Weaver

West

Williams

Total -- 63

ABSENT

Messrs.

Mr. Speaker

Ackal

Alario

Baggert

Bajoie

Bopp

Bruneau

Grisbaum

Hebert, M. J.
(53rd Dist.)

Jackson, J.
(101st Dist)

[EXHIBIT E-A(14)]

Kember

Kimball

Lowenthal

Sour

Total --14

And the amendment was rejected.

Mr. Williams moved to reconsider the vote by which the amendment was rejected, and, on his own motion, the motion to reconsider was laid on the table.

The bill was read by title, as amended.

Mr. F. Thompson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

[EXHIBIT E-A(14)]

Messrs. --

Accardo

Ackal

Adley

Alexander

Andrepont

Atkins

Baker

Benoit

Bleich

Blount

Bolin

Borne

Brady

Byrnes

Cain

Carson

Chaisson

Charbonnet

Conner

[EXHIBIT E-A(14)]

Cusimano

Deen

Delpit

D'Gerolamo

Diesi

Diez

Dimos

Dunn

Ensminger

Fair

Gaudin

Gee

Guidry

Gunter

Haik

Heaton

Hebert, D. P.
(73rd Dist.)

Hogan

Jenkins

John

[EXHIBIT E-A(14)]

Johnson

Kennard

Lalonde

Lancaster

Landrier

Lanier

LeBlanc

Leithman

Long

Lynn

Martin

McFerrin

McVea

Morris

O'Neal

Patti

Russo

Scogin

Scott

Sheridan

Strain

[EXHIBIT E-A(14)]

Theriot

Thompson, F. C.
(19th Dist.)

Thompson, M. F.
(43rd Dist)

Thompson, R. S.
(25th Dist)

Turnley

Ullo

Waddell

Wall

Weaver

West

Williams

Total -- 71

NAYS

Messrs. --

Bella

Crosby

[EXHIBIT E-A(14)]

Dastugue

DeWitt

Dischler

Doucet

Faucheux

Fernandez

Fowler

Gomez

Jackson, A.
(2nd Dist.)

Jones

Labord

LeBleu

Reilly

Schmitt

Simoneaux

Siracusa

Watermeier

Total -- 19

ABSENT

[EXHIBIT E-A(14)]

Messrs.

Mr. Speaker

Alario

Baggert

Bajoie

Bopp

Bruneau

Downer

Grisbaum

Hebert, M. J.

(53rd Dist.)

Jackson, J.

(101st Dist)

Kember

Kimball

Lowenthal

Soileau

Sour

Total --15

And the Chair declared that the above bill was finally passed.

[EXHIBIT E-A(14)]

Mr. F. Thompson moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

* * * *

[24/1]

Message from the House

PASSED SENATE BILLS AND JOINT RESOLUTIONS

House of Representatives
State Capitol
State of Louisiana

July 7, 1981, Baton Rouge, La.

To the Honorable President of the Senate and Members of the Senate of the State of Louisiana:

I am directed to inform your honorable body that the House of Representatives

[EXHIBIT E-A(14)]

has FINALLY passed the following entitled Senate Bills and Joint Resolutions, to-wit:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the

[EXHIBIT E-A(14)]

basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

Reported with amendments.

Respectfully submitted,

DAVID R. POYNTER

Clerk of the House of Representatives

* * * *

[2687]

Senate Bills and Joint Resolutions Returned from the House of Representatives With Amendments

The following Senate Bills and joint resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

[EXHIBIT E-A(14)]

Mr. Nicholson in the Chair
SENATE BILL No. 86 --
By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist belief; to [2688] provide definitions

and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

The above bill was read by title.

Returned from the House of Representatives with the following amendments, which were read.

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Education to Senate Bill No. 86 by Messrs. Keith and Richey.

Amend reengrossed bill as follows:

AMENDMENT No. 1 --

On page 1, delete lines 2 through 4, both inclusive, in their entirety, and insert in lieu thereof the following:

"to amend Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new

[EXHIBIT E-A(14)]

Sub-Part, to be designated as Sub-Part D-2 thereof, comprised of Sections 286.1 through 286.7, both inclusive relative to balanced treatment"

AMENDMENT No. 2 --

On page 1, at the end of line 5, after the word "to" delete the word "permit" and insert in lieu thereof the word "require"

AMENDMENT No. 3 --

On page 1, delete lines 13 through 15, both inclusive, and at the beginning of line 16, before the word "BALANCED" delete the following:

"Section 1. Sub-Part D-2 Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950, comprised of Sections 286.1 through 286.7, both inclusive, is hereby enacted to read as follows:

CHAPTER I. GENERAL SCHOOL LAW

[EXHIBIT E-A(14)]

* * *

PART III. PUBLIC SCHOOLS AND SCHOOL CHILDREN

* * *

SUB-PART D-2."

AMENDMENT No. 4 --

On page 1, delete line 18 in its entirety, and insert in lieu thereof the following:

"Section 286.1. Short Title"

AMENDMENT No. 5 --

On page 1, delete line 21 in its entirety, and insert in lieu thereof the following:

"Section 286.2. Purpose"

AMENDMENT No. 6 --

On page 2, delete line 1 in its entirety, and insert in lieu thereof the following:

"Section 286.3. Definitions"

AMENDMENT No. 7 --

[EXHIBIT E-A(14)]

On page 2, at the beginning of line 15, before the word "Authorization" delete the following: "Section 3704." and insert in lieu thereof the following: "Section 286.4."

AMENDMENT No. 8 --

On page 2, line 18, after the word "state" and before the word "give" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 9 --

On page 2, at the beginning of line 20, before the words "be given" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 10 --

On page 2, at the end of line 26, after the period "." add the following: "When creation or evolution is taught, each shall be taught as a theory, rather than as proven scientific fact."

[EXHIBIT E-A(14)]

AMENDMENT No. 11 --

On page 2, between lines 31 and 32, insert the following:

"C. No teacher in public elementary or secondary school or instructor in any state-supported university in Louisiana, who chooses to be a creation-scientist or to teach scientific data which points to creationism shall, for that reason, be discriminated against in any way by any school board, college board, or administrator."

AMENDMENT No. 12 --

On page 2, delete line 32 in its entirety, and insert in lieu thereof the following:

"Section 286.5. Clarifications"

AMENDMENT No. 13 --

On page 3, at the beginning of line 9, before the word "Funding" delete the

following: ">3706." and insert in lieu thereof the following: ">286.6."

AMENDMENT No. 14 --

On page 3, at the beginning of line 11, before the word "use" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 15 --

On page 3, line 14, after the words "funds" and before the word "be" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 16 --

On page 3, delete line 18 in its entirety, and insert in lieu thereof the following:

"Section 286.7. Curriculum Development"

AMENDMENT No. 17 --

On page 3, line 19, after the word "board" and before the word "develop"

[EXHIBIT E-A(14)]

delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 18 --

On page 3, line 22, after the word "governor" and before the word "designate" delete the word "may" and insert in lieu thereof the word "shall"

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by the Legislative Bureau to Senate Bill No. 86 by Messrs. Keith and Richey.

Amend the reengrossed bill as follows:

AMENDMENT No. 1 --

In House Committee Amendment No. 1 Proposed by the House Commmitte on Education, on line 7, after "treatment" insert "of"

AMENDMENT No. 2 --

[EXHIBIT E-A(14)]

Page 1, Line 19 - Change "Chapter" to "Subpart"

AMENDMENT No. 4 --

Page 2, Line 2 - Change "Chapter" to "Subpart"

AMENDMENT No. 5 --

Page 2, Line 33 - Change "Chapter" to "Subpart"

AMENDMENT No. 6 --

Page 3, Line 1 - Change "Chapter" to "Subpart"

[2689]

AMENDMENT No. 7 --

Page 3, Line 4 - Change "Chapter" to "Subpart"

HOUSE FLOOR AMENDMENTS

Amendment proposed by Mr. Cain to Senate Bill No. 86 by Mr. Keith.

Amend engrossed bill as follows:

[EXHIBIT E-A(14)]

AMENDMENT No. 1 --

Add the following as co-authors:

F. Thompson and Cain

Mr. Keith moved concurrence of the above amendments proposed by the House of Representatives.

Mr. Brinkhaus moved as a substitute move that the Senate reject the above House Amendments.

The vote was had on the substitute motion to reject the above House Amendments to Senate Bill No. 86 with the following result:

ROLL CALL

YEAS

Messrs. --

Bares

Braden

[EXHIBIT E-A(14)]

Brinkhaus

Casey

Guarisco

Jefferson

Landry

Lauricella

McLeod

Nelson

Newman

Nunez

Picard

Saunders

Windhorst

Total -- 15

NAYS

Messrs. --

Mr. President

Barham

Campbell

[EXHIBIT E-A(14)]

Chabert

Decuir

Dykes

Ginn

Hickey

Hudson

Jumonville

Keith

Kelly

Kiefer

Neeson

Nicholson

Osterberger

Poston

Randolph

Rayburn

Richey

Sevario

Swearingen

Tiemann

Total -- 23

[EXHIBIT E-A(14)]

ABSENT

Total -- 0

And the Chair declared that the Senate had refused to reject the House Amendments.

Mr. President in the Chair

Mr. Keith moved that the Senate concurr in the above House amendments.

Mr. Bares moved as a substitute move that the above bill be returned to the Calendar, subject to call.

The vote was had on the substitute motion to return Senate Bill No. 86 to the Calendar, subject to call with the following result:

ROLL CALL

The roll was called with the following result:

[EXHIBIT E-A(14)]

YEAS

Messrs. --

Bares

Braden

Brinkhaus

Casey

Guarisco

Jefferson

Landry

Lauricella

McLeod

Nelson

Newman

Nunez

Picard

Saunders

Total -- 14

NAYS

[EXHIBIT E-A(14)]

Messrs. --

Mr. President

Barham

Campbell

Chabert

Decuir

Dykes

Ginn

Hickey

Hudson

Jumonville

Keith

Kelly

Kiefer

Neeson

Osterberger

Poston

Randolph

Rayburn

Richey

Sevario

[EXHIBIT E-A(14)]

Swearingen

Tiemann

Windhorst

Total -- 23

ABSENT

Mr. Nicholson

Total -- 1

And the Chair declared that the Senate had refused to return Senate Bill No. 86 to the Calendar, subject to call.

On motion of Mr. Keith, a vote was ordered taken on the concurrence of the above amendments proposed by the House of Representatives.

ROLL CALL

The roll was called with the following result:

[EXHIBIT E-A(14)]

YEAS

Messrs. --

Mr. President

Barham

Campbell

Casey

Chabert

Decuir

Dykes

Ginn

Hickey

Hudson

Jumonville

Keith

Kelly

Kiefer

Lauricella

Neeson

Nicholson

Nunez

Osterberger

[EXHIBIT E-A(14)]

Poston

Randolph

Rayburn

Richey

Sevario

Swearingen

Tiemann

Total -- 26

NAYS

Messrs. --

Bares

Braden

Brinkhaus

Guarisco

Jefferson

Landry

McLeod

Nelson

Newman

[EXHIBIT E-A(14)]

Picard

Saunders

Windhorst

Total -- 12

ABSENT

Total -- 0

And the above amendments proposed by the House of Representatives were concurred in by the Senate.

Mr. Keith moved to reconsider the vote by which the above House Amendments were concurred in by the Senate, and on his own motion, the motion to reconsider was laid on the table.

* * * *

[2944]

Privilege Report of the Committee on Senate and Governmental Affairs

[EXHIBIT E-A(14)]

ENROLLMENTS

* * * *

SENATE BILL No. 86 --
By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the

[EXHIBIT E-A(14)]

basis of creationist or evolutionist belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

* * * *

[3325]

Message from the Senate

SENATE BILLS AND JOINT RESOLUTIONS

Senate Chamber

State Capitol

State of Louisiana
July 10, 1981, Baton Rouge, La.

To the Honorable Speaker and Members of the House of Representatives of the State of Louisiana:

I am directed to inform your honorable body that the President of the Senate has signed the following entitled Senate Bills and Joint Resolutions, to-wit:

[EXHIBIT E-A(14)]

SENATE BILL No. 86 --

By Mr. Keith:

AN ACT

To amend Title 17 of the Louisiana Revised Statutes of 1950 by adding [3326] thereto a new Chapter, to be designated as Chapter 30, comprised of R.S. 17:3701 through R.S. 17:3706, relative to balanced treatment of creation-science and evolution-science in public schools, to require such balanced treatment; to protect academic freedom by providing student choice; to insure freedom of religious exercise; to guarantee freedom of belief and speech; to prevent establishment of religion; to prohibit religious instruction concerning origins; to bar discrimination on the basis of creationist or evolutionist

[EXHIBIT E-A(14)]

belief; to provide definitions and clarifications; to declare the legislative purpose and legislative findings of fact, and otherwise to provide with respect thereto.

[EXHIBIT E-B]

[1] CITIZENS FOR FAIRNESS IN EDUCATION
2820 LE CONTE ROAD
ANDERSON SC 29621

August 5, 1980

Senator Keith
State Capitol Bldg
Baton Rouge LA 70804

Dear Senator Keith:

Only recently did we learn of your valiant efforts to promote the balanced treatment bill in the Louisiana Legislature. A mutual acquaintance, Mr. Lu Sunderland of New York, informed us of your activity there.

It may be that you are not aware of enclosed bill, developed by many hours of research and cooperation involving a

[EXHIBIT E-B]

number of people from several different states and including an attorney with expertise in First Amendment law.

We have shared this "model" bill with persons from 42 of the 50 states and it is the consensus among all with whom we thus far shared it that this bill is constitutionally impregnable. Its greater than ordinary length was made necessary by the greater than ordinary need to achieve absolute neutrality and to anticipate any possible constitutional challenges.

There is no doubt whatsoever in our minds that as soon as one of the 50 states enacts a balanced treatment bill into law, that precedent will cause a domino effect to ensue across this country. So it is absolutely imperative that the bill we promote is as close to being a guaranteed winner as it is

humanly possible, using the finest professional legal counsel we can muster.

While we have had approximately 400 persons from 42 of the 50 states write to us for a copy of our bill proposal, Senator Keith, we have had only two such requests from persons in your state -- one from Newellton and the other from Baton Rouge. We would be happy to give you their addresses if you should so indicate. We believe, however, that nationally organized groups, such as Pro-Family Forum, who have chapters springing up all over the country could form a coalition of support behind any future bill effort you might make there in the '81 legislative session.

We see this as a unique, once-in-a lifetime opportunity for redress of a grievance over two generations standing

[EXHIBIT E-B]

that is a mutual grievance of all fairminded citizens. We shall be praying for your success.

Sincerely,

Paul Ellwanger, National Coordinator
State-Level Balanced Treatment Bill

enclosures
/pe

[EXHIBIT E-C]

[1] CITIZENS FOR FAIRNESS IN EDUCATION
2820 LE CONTE ROAD
ANDERSON SC 29621

September 8, 1980

Senator Bill Keith
1200 N. Market St Suite H
Shreveport LA 71107

Dear Bill:

What a pleasure and blessing to have received yours of 9/5 re: the matter of the creation-evolution bill!

You may rest assured that we shall keep in touch with you and stand ready to help you in any way that we possibly can as things develop with your promotional efforts there.

Only the first 2 of the following names sent to us for a bill copy, but the others are also potential bill

[EXHIBIT E-C]

promoters who might be willing to help out there....

DOUGLAS LE BLANC 924 3338
10335 LEBANON ST
BATON ROUGE 70816

MRS CLEON ARNOLD
P O B 44
NEWELLTON 71357

JACK DEW
1609 MC MILLAN RD
W. MONROE 71291

CHARLES GOODGAME
317 LAWRENCE BLVD
PINEVILLE 71360

Attorneys listed in the Directory of the Christian Legal Society (CLS)....

[EXHIBIT E-C]

WILLIAM D. TREEBY 504 581 3200
1000 WHITNEY BANK BLDG
NEW ORLEANS 70130

JAN HOLLOWAY
3526 CASA GRANDE
BATON ROUGE 70614

JOHN CHARRIER
225 BARONNE ST
NEW ORLEANS 70112

MICHAEL THERIOT
675 ASTER ST
BATON ROUGE 70802

KEITH WALL
5475 AIRLINE HWY
BATON ROUGE 70805

[EXHIBIT E-C]

DAVIS ALLGOOD

2749 JUNE ST

BATON ROUGE 70808

STEVE STROHACHEIN

2749 JUNE ST

BATON ROUGE 70808

I have already shared all of your names with Lottie Beth Hobbs, National Director, Pro-Family Forum, P O B 14701, Ft Worth TX 76117, as she has indicated to me that she will attempt to establish laison between persons in any of their LA Pro-Family Chapters, since she and her nat'l organization are 100% behind this legislative thrust to neutralize the evolution monopoly. So you or others with whom you are in touch there may be hearing from persons already involved with Pro-Family Forum.

[EXHIBIT E-C]

a group whose primary objective is meaningful Christian political action, on this and on several other matters closely relating to public morality. [2]

In case you haven't already received a copy of the federal bill recently drafted by several legal and scientific professionals, Bill, I'm enclosing a copy of it, along with the cover-Memo attempting to explain its objective and how everyone can help out at this point.

I'll be sending you other items, from time to time, such as other enclosures herein. You will receive a concise paper that you may use for ideas in drafting a more tailored paper to familiarize other bill supporters and also legislators.

Speaking of polls, Bill, I'll see that you receive a copy of a composite

[EXHIBIT E-C]

survey report on over 9000 surveys conducted on this subject in diverse regions of the country.

We believe it is imperative that you refrain from using the term "scientific creationism" whenever it is possible and feasible for you to substitute "scientific evidences that are contrary to evolution" or "scientific information that contradicts evolution." There is no question but that you will need to address just what "scientific creationism" (an integral and necessary part of the bill) really is, but the less you use the term promiscuously with the public at large, the less you will tend to muddy the waters with the issue of Church and State.

Quite simply, <u>scientific</u> creationism could, just as evolution is, be

[EXHIBIT E-C]

called a theory, based on scientific evidences and inferences drawn from those evidences by creation scientists. Biblical creationism, on the other hand, is a faith, based on what the Bible tells us about origins, and as such it is prohibited by this bill.

It is very important that whenever anyone tries to implicate scientific creationism as being "religious" that it be vigorously and clearly pointed up that evolution ("scientific evolution-ism," if you will) is no less "religious" since it is a basic tenet of several theistic and non-theistic religions. Refer to the block diagram enclosed on one side of a double-sided sheet.

Evolution, as we are trying to deal with in this bill, is termed (though technically not correct) a theory, based

[EXHIBIT E-C]

on scientific evidences and inferences drawn from those evidences by evolution scientists. Indeed, this is an issue between scientist vs. scientist. Biblical creationism, in addition to being prohibited by this bill, is really a matter for the home and the churches. As you may be aware, Bill, a large number of Christians are now of the belief that God used a process -- evolution -- to create, thereby placing themselves smack dab in the evolutionist camp. So you need to be careful that you and your workers and your dealings with the media do not label all evolutionists as atheists.

There are all shades of theological viewpoints on this subject; the beauty of this legislation is that it matters not an iota what a person's theological viewpoint is, simply because the bill

[EXHIBIT E-C]

prohibits anyone from imposing their theology on students and the public (K-12) schools. We have here in SC an honest evolutionist, who is also an agnostic, supporting our bill because he believes it would relieve the kind of academic totalitarianism that currently exists via the evolution monopoly.

I'll sign off now and wish you well in your bill promoting efforts there.

More later.....

paul

[EXHIBIT E-D]

[1] CITIZENS FOR FAIRNESS IN EDUCATION
2820 LE CONTE ROAD
ANDERSON SC 29621

September 9, 1980

Senator Bill Keith
1200 E. MARKET ST SUITE H
Shreveport LA 71107

Dear Bill:

At the risk of overwhelming you, I am sending you under separate cover quite a few items that impact on this subject in one way or another. We could go to 5 or 6 persons who have studied this issue and perhaps get 5 or 6 different approaches to strategy in bill promoting. I'll share with you all that I have to share and leave final strategy

[EXHIBIT E-D]

decisions and final wording for your various P.R. items up to you and your coworkers. Heaven knows, we have made mistakes along the way and can probably stand to improve a lot more on P.R. strategy. This is a difficult and challenging subject, fraught with semantical boobytraps. The adversary is quite formidable, and more importantly, he is in the drivers seat. I view this whole battle as one between God and anti-God forces, though I know there are a large number of evolutionists who do believe in God. But the crux of the matter is that if evolution is permitted to continue with its monopoly in public education, then, in effect, it will continue to be made to appear that a Supreme Being is unnecessary, for it will be noted that while evolution is embraced by theistic and atheistic

[EXHIBIT E-D]

evolutionists. creation poses a death threat to one of those religious positions -- atheism. So it behooves Satan to do all he can to thwart our efforts and confuse the issue at every turn. As you move ahead there, you will see that element in effect.

On a separate encl sheet I shall attempt to provide you with the kind of item you have indicated a need for -- to enable both ministerial and non-ministerial persons to enunciate what this bill is all about and why legislators should support it.

If you have a clear choice between having grassroots leaders of this statewide bill promotion effort to be ministerial or non-ministerial, be sure to opt for the non-ministerial. It does the bill effort no good to have

[EXHIBIT E-D]

ministers out there in the public forum and the adversary will surely pick at that point, even though you will be sure to see ministerial people in the public forum taking potshots at the bill. Ministerial persons can accomplish a tremendous amount of work from behind the scenes, encouraging their congregations to take the organizational and P.R. initiatives. And they can lead their churches in storming heaven with prayers for our help against so tenacious an adversary. They may also be able to help raise funds for carrying this fight into the legislature via frequent mailings and complimentary pieces such as the Yale Law Journal article by Wendell Bird -- a legal masterpiece and the most comprehensive legal defense against those old chestnuts that the opposition will bring

[EXHIBIT E-D]

out. Bird documents and references the constitutionality of this bill; conversely, he clearly points up why the current evolution monopoly is unconstitutional.

So your thrust should be predicated on achieving better science and on the constitutionality of this bill's sheer neutrality in requiring the both-or-neither concept -- admit creation-science into the public schools or throw evolution out. We, of course, would prefer that both remain in, affording us the opportunity to better expose the utter bankruptcy of evolution.

If you and your coworkers can get an organization going or work with others (such as Pro Family Forum) who are already organized, you could use an approach similar to one of the items I'm sending you that worked very well for us

[EXHIBIT E-D]

here in S.C. in seeking out others who are interested in helping promote the bill. That 2-sided [2] sheet begins with ... "Since April of 1979 we have been promoting HB 3444...etc" And on its reverse side you will note a place for recipients to list persons in their own sphere of acquaintances whom they could recommend to you for helping promote the bill. This system takes the work and money necessary to then follow up on each new lead you get this way, sending each of them, in turn, a copy of the same letter. Sending such a piece all over the state will swell the ranks of your grassroots support and let you develop an address/phone filing system so essential for being able to notify such persons exactly how and when their help is needed.

[EXHIBIT E-D]

To that end, Bill, you may be able to procure the LA - segment of the nat'l mailing lists of ICR and BSA, which could net you more than a hundred addresses in your state of persons who are already informed creationists. ICR, 2716 Madison Ave, San Diego CA 92116. BSA, The Rev. Walter Lang, 7232 Morgan Ave, South, Mpls MN 55406.

It would be ideal to have persons who can and will lobby for the bill in the state legislature when the '81 session convenes. It would also be ideal to have the bill drafted into its final form for introduction and pre-file it, preferably in the House and the Senate as companion bills, and get H. and S. numbers for your bill for reference to the bills that will be promoted. We made copies of the model bill -- the draft of it <u>before</u> it was

[EXHIBIT E-D]

pre-filed or introduced here -- and sent copies of this bill to potential promoters. But that expense could be avoided if your bill(s) were pre-filed and given an official I.D. #, because in that way you could refer interested persons to the clerks of the House and Senate, from whom they could procure their own bill copy without charge to your bill promoting campaign.

Some of the opposition's arguments are....

1. School curriculum should not be legislated. This is nonsense, because this bill would not legislate curriculum, but rather, it would legislate a statewide education <u>policy</u>; that policy would then need to be implemented and applied by having those who currently are responsible for curriculum development to attend to that

[EXHIBIT E-D]

curriculum development -- the professional educators.

2. This bill would be very expensive and what textbooks are available? To my knowledge, there are no textbooks that would be constitutionally admissible at this point in time for providing balanced treatment in grades K-12. There may be some texts available for grades 5-10, or thereabouts, but they are rare and somewhat questionable. However, there are an adequate number of supplementary materials that could be used for that purpose, such as the Bliss 2-model module, the Wysong book, "The Creation-Evolution Controversy" and the Morris (ICR) book, "Scientific Creationism" (Public School Edition). Another approach could be the development of a set of 2-model materials that could be duplicated by

[EXHIBIT E-D]

the State Dept of Ed and then distributed to all the schools. A couple of teacher-training workshops would suffice to convey this curriculum change to the state's science teachers.

3. Some Christians claim that teachers in the public school system are, for the most part, unregenerate and therefore not capable of properly teaching with such a balanced treatment curriculum. There is no question that teachers have been known to take a cut on things they do not personally like -- there are plenty of examples of teachers favoring socialism and communism to our free enterprise system, of their favoring pornography to good literature, of their promoting premarital and other illicit sex practices, of their downgrading patriotism, and of their taking stands on such issues as nat'l (and local)

[EXHIBIT E-D]

elections, abortion, etc openly in their classrooms. Our democratic, pluralistic society is certainly vulnerable to such situations and always will be. It is up to each individual to exert vigilance and corrective actions whenever they become aware of such malpractices within our system. This bill would give those citizens tools they now do not have in asking teachers to provide the balanced treatment this bill would require. [3]

4. Legislators and educators have both been known to claim that we cannot expect the schools to provide trained teachers for the balanced treatment presentation. These persons need to be reminded that teachers pride themselves as professionals--they are teachers. There would be ample time after the bill is passed and before the start of the next school year to provide excellent

seminars for the teachers. All that is needed is that teachers act like responsible professionals.

5. A number of Christian fundamentalists have completely abandoned the public school system and will therefore not want to help promote this bill. They must be made to realize how unconscionable it is for us to allow our Christian tax dollars (and theirs) to be used to brainwash captive public school students in a belief system that denies the existence of God by implication and that disallows the student from ever learning about the tremendous scientific case for creation. The home, the churches and ministers, and the average lay person are just not equipped to impart that kind of knowledge. They aren't even bothering to impart the knowledge they have -- that what page

[EXHIBIT E-D]

one of the Bible has to say about this subject.

I'll wind this letter up now, Bill. I happen to have had some time to get at these informations for you and have found from past experience that if I don't jump on things when they first come up, I'll get snowed under in a very short time and just never get to them.

Several of the items I'm sending you under separate cover are things I have received from the GA people who almost got their H.690 balanced treatment bill (not the same as our model bill) passed in the '80 session. I have materials from other states, too, but GA has been the most prolific and made the most powerful thrust of them all, to date.

[EXHIBIT E-D]

Sincerely,

CITIZENS FOR FAIRNESS IN EDUCATION, 2820 LE CONTE ROAD, ANDERSON SC 29621

EXHIBIT E

The opinion of the United States Court of App
for the Second Circuit in McCreary v.
Village of Scarsdale, 739 F.2d. 716 (2d.
Cir. 1984), aff'd per curiam 53 U.S.L.W. 4431 (

EXHIBIT F

The opinion of the Marian County Indiana Superior Court in Hendren v. Cambell, No. S577-0139, slip-op. (Marion Co. Sup. Ct., April 14, 1977)

EXHIBIT G

The text of Act 590 (Balanced Treatment for Creation-Science and Evolution Science Act), State of Arkansas, 73rd General Assembly, Regular Session, 1981.

EXHIBIT H

The opinions of the Attorney General of the State of Oregon: Dept. of Justice, 41 Op. Atty. Gen. 281 (1980) and Dept. of Justice, 42 Op. Atty. Gen. (1981)

EXHIBIT I

The opinion of the Attorney General of the State of Maryland, Office of Atty. Gen. (Feb. 23, 1982)

EXHIBIT J

The opinion of the Attorney General of the State of South Carolina, Office of Atty. Gen. (November 8, 1979)

EXHIBIT K

The opinion of the United States District Court for the Southern District Court of Texas in Greater Houston Chapter of the American Civil Liberties Union v. Eckels 589 F. Supp. 222 (S.D. Tex.), app. dism'd 755 F.2d 426 (5th Cir.), cert. denied 106 S. Ct. 383 (1985)

[EXHIBIT E-L]

[1]

Accountability

Development

Evaluation

Management Information Systems Research

STATUS ASSESSMENT: ACT 685-BALANCED TREATMENT FOR CREATION-SCIENCE AND EVOLUTION-SCIENCE

STATE OF LOUISIANA
DEPARTMENT OF EDUCATION

Office of Research and Development
P.O. Box 44064
Baton Rouge, Louisiana 70804

[EXHIBIT E-L]

[2]

This public document was published at a cost of $2.05 per copy by the State Department of Education to provide leadership for the continuous development, coordination, and improvement of education on a statewide basis under authority of Louisiana R.S. 17:21. This material was printed in accordance with the standards for printing by State agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

[EXHIBIT E-L]

[3]

STATUS ASSESSMENT: ACT 685-BALANCED TREATMENT FOR CREATION-SCIENCE AND EVOLUTION-SCIENCE

November 1981

Submitted By:

Dr. Janella Rachal
Bureau of Evaluation
Office of Research and Development

Submitted to:

Dr. Robert Gaston
Assistant Superintendent of Academic Programs
and
Chairman of the Overall
Creation-Science and Evolution-Science
Committee

[EXHIBIT E-L]

[i] EXECUTIVE SUMMARY

During the 1981 Regular Session, the Louisiana Legislature passed Act 685 mandating balanced treatment for creation-science and evolution-science in the public schools commencing with the 1982-1983 school session. As interpreted by the Louisiana State Department of Education (SDE), responsibility for the implementation of Act 685 rests with the local education agencies (LEA's). In keeping with its mandate to provide leadership for Louisiana public education, the SDE established a Task Force under the direction of Assistant Superintendent Robert Gaston to assess and define the role of the SDE in assisting LEA's to implement Act 685.

The Bureau of Evaluation within the Office of Research and Development developed a questionnaire to provide information to the Task Force in response to four major

research questions.

1. What is the level of knowledge and awareness among Louisiana superintendents and community members concerning Act 685?
2. What is the current status of instruction concerning creation-science and evolution-science within Louisiana public schools?
3. What is the current status of and what are LEA needs in relation to the implementation of Act 685?
4. What is the potential role of the SDE in the implementation of Act 685?

The 19-item questionnaire sent to the 66 local superintendents across the state led to the following conclusions:

* The current level of knowledge among Louisiana superintendents concerning Act 685 is limited.

[EXHIBIT E-L]

[ii] * Local superintendents have received few inquiries from community members concerning Act 685.

* As perceived by local superintendents, few teachers currently address either creation-science or evolution-science in their courses. Balanced treatment is not currently being accorded to the teaching of these two theories.

* In general, LEA's have not begun developing plans for implementation of Act 685. New materials and staff development will be needed.

* Superintendents report that they do not have funds to implement Act 685.

* LEA's want SDE leadership and involvement in the implementation of Act 685 in such areas as curriculum development, inservice, material review/selection, budetary matters, and policy development.

[EXHIBIT E-L]

Based on an analysis of the results of the returned questionnaires, the Bureau of Evaluation makes the following recommendations:

1. The text of Act 685 should be carefully explicated and made available to the LEA's.
2. The SDE should develop projections of the level of expenditures required for implementing Act 685 and identify possible funding sources.
3. The SDE should immediately develop a timetable detailing how all of the activities required for implementing Act 685 will be accomplished by the mandated 1982 date.
4. The SDE should develop a statement of its role concerning the implementation of Act 685 to be made available to LEA's.

[EXHIBIT E-L]

[1]

1
INTRODUCTION

Rationale

During the 1981 Regular Session, the Louisiana Legislature passed Act 685 (Senate Bill No. 86) entitled "Balanced Treatment for Creation-Science and Evolution-Science" (Appendix A). Under the provisions of this law, public schools are directed to give balanced treatment to creation-science and evolution-science commencing with the 1982-1983 school year.

Similar bills are currently being examined by almost one third of the state legislatures across the country. However, only Arkansas preceded Louisiana in the enactment of legislation requiring schools to give scientific creationism equal time with evolutionary theory. A suit challenging the Arkansas law has been filed in that state by a coalition including the American

Civil Liberties Union, a variety of religious leaders, and organizations such as the National Association of Biology Teachers.

As interpreted by the Louisiana State Department of Education (SDE), Act 685 places responsibility for the implementation of balanced treatment on the local education agencies (LEA's). Each city and parish school board is directed to develop and provide to all of its public school classroom teachers curriculum guides for the presentation of creation-science. Existing teacher inservice training funds and existing library acquisition funds are to be used by the LEA's to facilitate implementation. Noticeably absent within the [2] provisions of Act 685 is a definition of the role which the Department of Education is to assume in the implementation of this law.

The SDE, under the direction of Superintendent J. Kelly Nix, is charged

[EXHIBIT E-L]

with the responsibility of providing leadership for public education in Louisiana. LEAs normally look to the SDE for technical assistance in planning, curriculum development, and inservice/staff development. In response to the Department's mandate to provide such leadership, a Task Force (Appendix B) was created under the direction of Assistant Superintendent Robert Gaston to assess and define the role of the SDE relative to the implementation of Act 685. The Bureau of Evaluation within the Office of Research and Development was assigned primary responsibility for providing information to the Task Force concerning the potential impact of this law on LEAs.

Research Questions

In response to the request for information from the SDE Task Force concerning the potential impact of Act 685 on LEA's,

four general research questions were developed by the Bureau of Evaluation to serve as a guide for data collection.

1. What is the level of knowledge and awareness among Louisiana superintendents and community members concerning Act 685?
2. What is the current status of instruction concerning creation-science and evolution-science within Louisiana's public schools?
3. What is the current status of and what are LEA needs in relation to the implementation of Act 685?
4. What is the potential role of the SDE in the the implementation of Act 685?

[3] Instrumentation

Based on these broad questions, a questionnaire was developed to obtain in-

[EXHIBIT E-L]

formation from local superintendents concerning the status of Act 685 within their local school systems. The instrument, entitled "Status Assessment: Act 685 - Balanced Treatment for Creation-Science and Evolution-Science," is included within this report (Appendix C).

Data Collection Procedures

Prior to the actual collection of data, a letter (Appendix D) was sent from the office of Superintendent Nix on October 21, 1981, advising each local superintendent of the passage of Act 685 and of the questionnaire which would be forthcoming concerning the status of that law within each LEA. A copy of Act 685 was included with the correspondence.

On October 28, 1981, a second letter (Appendix E) from Superintendent Nix accompanied the mailing of the "Status

[EXHIBIT E-L]

Assessment" to all superintendents across the state. The need for the questionnaire was explained and the importance of its completion was emphasized. A deadline of November 11, 1981, was set for its return to the Bureau of Evaluation.

[EXHIBIT E-L]

[4] 2

FINDINGS AND DISCUSSION OF RESULTS

Presentation of Data

The questionnaire "Status Assessment: Act 685 - Balanced Treatment for Creation-Science and Evolution-Science," was sent to all local superintendents of Louisiana's 66 public school systems. Of this number, 45 were returned for a 68.2% response rate. Two of the 45 were unusable due to multiple responses to items requiring the selection of a single option. The following data therefore reflect the combined results obtained from 43 local public school superintendents.

The data received from the "Status Assessment" are reported as response frequencies for each of the 19 items. Questions 1 and 2 (perceived knowledge of Act 685 and of creation-science theory, respectively) are analyzed in terms of the

[EXHIBIT E-L]

respondent's definitions of creation-science to determine whether those who define it as Biblical in Question 3, were more or less likely to report adequate knowledge. Qestion 10 also serves as a point of divergence in analyzing subsequent responses. This question distinguishes between LEA's which plan to give no instruction in either evolution-science or creation-science and those which will, or might, offer balanced treatment or some other approach. In response to Question 11, data are presented for only those who selected the balanced treatment option in 10. Questions 12 through 19 deal with LEA plans to implement Act 685, and they are reported in terms of the respondent's indication of either "no treatment" or as a compilation [5] of responses indicating "balanced treatment," "other" or "undecided"

in terms of planned instruction in evolution-science and creation-science. This report presents data in both categories but discusses only the implementation plans of those respondents who indicated that their LEA's will provide balanced treatment, that they are undecided or that they have other plans. All data are presented in Tables 1 (items 1-11) and 2 (items 12-19).

[EXHIBIT E-L]

[6]

Table 1. Awareness, Interest and Current Status: Creation-Science and Evolution-Science

(N = 43)

ITEM		PERCENTAGE
1. How would rate your present understanding of the provisions of Act 685?		
a) No knowledge	1	2.3%
b) Limited knowledge	24	65.1%
c) Adequate knowledge	14	32.6%
d) Extensive knowledge	0	0.0%
2. How would you rate your current knowledge of creation-science theory?		
a) No knowledge	3	7.0%
b) Limited knowledge	29	67.4%
c) Adequate knowledge	9	20.9%
d) Extensive knowledge	0	0.0%
(No response)	2	4.7%
3. Act 685 defines creation-science as "the scientific evidences for creation and inferences from those scientific evidences." Based on this definition, how would you interpret creation-science?		

[EXHIBIT E-L]

a) the account of the creation of the universe and all living things as it is given in the Bible	17	39.5%
b) the argument that all living species appeared about the same time and that, while some species disappeared during natural cataclysms, new species have not appear- since then.	4	9.3%
c) The argument that the universe was made by a creator but that more complex species continue to develop from simpler ones.	15	34.9%
d) Other	2	4.7%
e) Don't know	5	11.9%

4. What is your impression of the attitudes of people within your community about including creation-science in the curriculum?

a) Generally favorable	4	9.3%
b) Generally unfavorable	8	18.6%
c) Indifferent	14	32.6%
d) Don't know	17	39.5%

5. a) How many inquiries have you received concerning the imple-

[7]

mentation of Act 685?

[EXHIBIT E-L]

a) 0-5	32	74.4%
b) 6-10	5	11.9%
c) 11-15	2	4.7%
d) 16 or more	4	9.3%

b) If you have received inquiries, which group(s) were concerned?

a) Parent groups	2	N/A
b) Church groups	13	N/A
c) Teacher groups	9	N/A
d) Publishing companies/ consultants	2	N/A
e) Other	22	N/A
(No response)		

7. a) Do you think that parents and/or other community members will want to be involved in policy decisions concerning the implementation of Act 685?

a) Yes	16	37.2%
b) No	5	11.9%
c) Don't know	22	51.2%

b) Do you plan to involve these individuals in such decisions?

a) Yes	15	34.9%
b) No	4	9.3%
c) Don't know	24	55.8%

7. a) In your estimation what percentage of the teachers

[EXHIBIT E-L]

within your system currently address creation-science within their courses?

a) None	8	18.6%
b) Under 10%	18	41.9%
c) 10-50%	4	9.3%
d) 51-90%	3	7.0%
e) Over 90%	0	0.0%
f) Don't know	10	23.3%

b) What percentage of the teachers currently address evolution-science within their courses?

a) None	2	4.7%
b) Under 10%	14	32.6%
c) 10-50%	8	18.6%
d) 51-90%	5	11.9%
e) Over 90%	4	9.3%
f) Don't know	10	23.3%

8. In your opinion, is there currently balanced treatment for creation-science and evolution-science instruction within your system?

a) Yes	10	23.3%
b) No	22	51.2%
c) Don't know	11	25.6%

9. a) At what stage of development is your LEA policy statement addressing Act 685?

[EXHIBIT E-L]

a) Do not plan to develop	6	14.0%
b) Have not begun	31	72.1%
c) In progress	5	11.6%
d) Completed	0	0.0%
(No response)	1	2.3%

b) At what stage of development is your LEA plan for implementation of Act 685?

a) Do not plan to develop	4	9.3%
b) Have not begun	35	81.4%
c) In progress	2	4.7%
d) Completed	0	0.0%
[8] (No response)	2	4.7%

c) Which of the following are included or will be included within your implementation plan?

a) Needs assessment	13	N/A
b) Development of curriculum guides	15	N/A
c) Materials review and selection	20	N/A
d) Cost determnation	15	N/A
e) Inservice training for staff	19	N/A
f) Other	6	N/A
(No response)	9	N/A

10. The State Department of Education interprets Act 685 as requiring instruction in both creation-science and evolution-science if public schools choose to teach either. Which option do you think

[EXHIBIT E-L]

your system will select?		
a) Balanced treatment	16	37.2%
b) No instruction in either theory	12	27.9%
c) Other	6	N/A
d) Undecided	14	32.6%

11. If you plan to implement Act 685 by providing balanced treatment when will this instruction begin?

a) Has already begun	0	0.0%
b) Fall, 1982	11	68.8%
c) Spring, 1983	0	0.0%
d) Undecided	4	25.0%
(No response)	1	6.2%

[EXHIBIT E-L]

[9]

Table 2. Implementation Plans: Creation-Science and Evolution-Science

ITEM	PERCENTAGE			
	Balanced, Other or Undecided		No Instruction in Either	
	#	%	#	%
12. Act 685 specifies that implementation is to be funded through existing library acquisition funds. Do you have such funds to cover the cost of implementation?				
a) Yes	3	9.7%	0	0.0%
b) No	19	61.3%	9	75.0%
c) Don't know	6	19.4%	2	16.7%
(No response)	3	9.7%	1	8.3%
13. Do you anticipate hiring additional staff in order to implement Act 685?				
a) Yes	0	0.0%	0	0.0%
b) No	24	77.4%	10	83.3%
c) Don't know	5	16.1%	0	0.0%
(No response)	2	6.5%	2	16.7%
14. To whom will you assign responsibility for material review and selection in implementing for Act 685?				

[EXHIBIT E-L]

a) Supervisors	27	N/A	6	N/A
b) Curriculum specialists	11	N/A	2	N/A
c) Principals	18	N/A	4	N/A
d) Teachers	19	N/A	2	N/A
e) Librarians	10	N/A	2	N/A
f) Parents	11	N/A	1	N/A
g) Other	2	N/A	0	N/A
(No response)	4	N/A	5	N/A

15.a) Which staff member(s) will be responsible for providing inservice training to assist in implementing Act 685?

a) Supervisors	27	N/A	6	N/A
b) Curriculum specialists	6	N/A	1	N/A
c) Principals	10	N/A	1	N/A
d) Teachers	4	N/A	0	N/A
e) Other	1	N/A	0	N/A
(No response)	3	N/A	4	N/A

b) To whom will inservice be provided?

a) Supervisors	19	N/A	3	N/A
b) Curriculum specialists	8	N/A	2	N/A
c) Principals	33	N/A	2	N/A
d) Teachers	25	N/A	4	N/A
e) Other	1	N/A	1	N/A
(No response)	3	N/A	6	N/A

16.Will you need to purchase new materials to implement Act 685?

[EXHIBIT E-L]

a) Yes	14	45.2%	6	50.0%
b) No	1	3.2%	3	25.0%
c) Don't know	14	45.2%	1	8.3%
(No response)	2	6.5%	2	16.7%

[10]

17. How do you think you will use the services of the creation-scientists appointed by the governor?

a) To assist in LEA policy development	8	N/A	1	N/A
b) To assist in curriculum guide development	10	N/A	2	N/A
c) To provide in-service training	13	N/A	3	N/A
d) To assist in review of curriculum materials	6	N/A	0	N/A
e) To assist in selection of curriculum materials	5	N/A	3	N/A
f) Other	1	N/A	1	N/A
g) Undecided	11	N/A	4	N/A
(No response)	2	N/A	3	N/A

18. The State Department of Education interprets Act 685 to place the responsibility for implementation on the LEA's. Do you want State Department of Education assistance in this implementation?

[EXHIBIT E-L]

a) Yes	18	58.1%	5	41.7%
b) No	3	9.7%	2	16.7%
c) Don't know	8	25.8%	3	25.0%
(No response)	2	6.5%	2	16.7%

19. If you would like State Department of Education assistance, in which area(s) would such assistance be needed?

a) Conducting needs assessments	5	N/A	3	N/A
b) Assisting with policy development	11	N/A	4	N/A
c) Assisting with curriculum development	21	N/A	5	N/A
d) Material review and/or selection	13	N/A	3	N/A
e) Budgetary matters	13	N/A	6	N/A
f) Providing inservice training	10	N/A	4	N/A
g) Other	2	N/A	2	N/A
(No response)	5	N/A	6	N/A

[EXHIBIT E-L]

[11]

Summary of additional comments made by respondents:

1. The State Department of Education is needed and should assist in the implementation of Act 685 as soon as possible. (2 respondents)
2. Teachers in my system have an unfavorable attitude toward the inclusion of creation-science in the curriculum, especially those teaching science. (1 respondent)
3. Evolution should be taught as a theory, not as a fact. (1 respondent)
4. We do not consider either theory of such high priority as to require that teachers devote a substantial amount of time to providing instruction in creation-science or evolution-science. We feel that an awareness of both theories is important; our implementation efforts will be in accordance with this spirit. Please send us your authorized version of creation-science as soon as possible. (1 respondent)
5. Create college and university curricula to train teachers in creation-science and evolution-science theory. (1 respondent)
6. The definitions of creation-science and evolution-science within this questionnaire should be broadened to include "origins". (1 respondent)
7. There may be a church-state conflict, and with litigation pending, implementation should be postponed until trained personnel are available. (1 respondent)

[EXHIBIT E-L]

[12] Discussion

Research Question 1: What is the level of knowledge and awareness among Louisiana superintendents and community members concerning Act 685?

Questionnaire items 1-5 are examined in response to Research Question 1. Among the 43 usable responses, 28 (65.1%) superintendents indicated that they have limited knowledge of the provisions of Act 685 while 14 (32.6%) perceive their knowledge to be adequate. In rating their knowledge of creation-science theory (Question 2), 29 (67.4%) perceive their knowledge to be limited while 9 (20.9%) indicate that theirs is adequate.

Item 3 enumerates some of the more popularly held perceptions concerning the definition of creation-science. As interpreted by SDE, the description most consistent with that identified in Act 685 is the argument that all living species

[EXHIBIT E-L]

appeared about the same time and that, while some species disappeared during natural cataclysms, new species have not appeared since then (option 2). Of the 43 respondents to the survey, only 4 (9.3%) selected this option as their interpretation of creation-science. The account of the creation of the universe and all living things as it is given in the Bible (option 1) was the most popular response to Question 3. This option was selected by 17 (39.5%) respondents. Among the remaining option, the argument that the universe was made by a creator but that more complex species continue to develop from simpler ones was selected by 15 (34.9%) respondents with 2 (4.7%) selecting "other" and 5(11.9%) selecting the "don't know" option.

[13] A correlation of the responses to items 1 and 2 (knowledge of Act 685 and knowledge

[EXHIBIT E-L]

of creation-science theory, respectively) with those to item 3 concerning the respondents' perceived definitions of creation-science provides data vital to the interpretation of the survey results. In response to Question 3, all 4 of the individuals who selected the definition of creation-science which is interpreted by the SDE as being the most consistent with Act 685, perceive themselves as having only limited knowledge of both the provisions of Act 685 and creation-science tehory. However, of the 17 respondents who selected the Biblical definition of creation-sceince in Question 3, almost half (8, or 47.1%) feel that their knowledge of Act 685 (Question 1) is adequate, while the rest perceive their knowledge to be limited. In response to Question 2, 6 of the 17 (35.3%) assess their knowledge of creation-sceince theory to be adequate

[EXHIBIT E-L]

while 9 (52.9%) feel that it is only limited (2 did not respond). Of the 9 respondents who perceive their knowledge of creation-science to be adequate not one of these individuals defines creation-science in the manner most consistent with the provisions of Act 685. It is significant to note that no respondents perceive themselves to have extensive knowledge of either the provisions of Act 685 or creation-science theory.

Responses to Question 4 indicate the 3.5% of the superintendents surveyed do not have an assessment of community attitudes toward the inclusion of creation-science in the curriculum; 32.6% perceive the general attitude within their respective communities to be indifferent. The majority of the superintendents surveyed (32, or 74.4%) indicate that they have received five or fewer inquiries [14] concerning the imple-

mentation of Act 685. Only 4 (9.3%) superintendents reported having received 16 or more inquiries. Church groups and teacher groups were generally associated with most of the inquiries but the 22 (51.2%) superintendents not responding to the item suggests that the majority of the superintendents have received no inquiries at all.

In view of these responses to items 1-5, it appears that local superintendents need additional information concerning the provision of Act 685 and creation-science in general. A total of 90.7% of the respondents define creation-science in a manner inconsistent with that identified by the SDE as represented by Act 685. Almost 40% of these superintendents interpret creation-science in Biblical terms while the remaining respondents selected other

[EXHIBIT E-L]

definitions. At this point in time there appears to be limited community interest relative to the implementation of Act 685.

Research Question 2: What is the current status of instruction concerning creation-science and evolution-science within Louisiana public schools?

Responses to survey items 7 and 8 are considered in relation to Research Question 2. In item 7(a), 18 (41.9%) of the superintendents surveyed reported that under 10% of the teachers in their respective systems currently address creation-science within their courses. Ten (23.3%) indicated that they do not know the percentage addressing creation-science while 8 (18.6%) feel that none of the teachers within their systems are presently addressing this theory. In comparison, data provided in item 7(b) indicate that 14 (32.6%) superintendents feel that under 10% of their teachers [15] cur-

rently address evolution-science within their courses, while 10 (23.2%) don't have an assessment of the percentage level. Eight (18.6%) feel that this theory is being addressed by 10-50% of the teachers within their respective systems. When asked whether "balanced treatment" is currently being provided in the teaching of creation-science and evolution-science (Question 8), 22 (51.2%) responded "no," 10 (23.3%) responded "yes," and 11 (25.6%) indicated that they don't know. An examination of this information in terms of the respondents' definition of creation-science reveals that, of the 22 responnding "no" to Question 8, 7 (31.8%) of these define creaton-sceince in Biblical terms, while only 3 (13.6%) adhere to the definition deemed most appropriate by the SDE. Of the 10 responding "yes" to Question 8, 8 (80.0%) employ the Biblical

[EXHIBIT E-L]

definition; none utilize the more consistent definition.

Based on the perceptions of the superintendents surveyed, limited instruction is currently being provded in creation-science theory with slightly more being provided in relation to evolution-science. A substantial number indicated that they cannot assess current teaching levels relative to these two theories. Almost half of the respondents indiciated that balanced treatment is not currently being provided; one-fourth were unable to provide information in this area.

Research Question 3: What is the current status of and what are LEA needs in relation to the implementation of Act 685?

In relation to Reesearch Question 3, items 6 and 9-17 are exemained. When asked whether they felt that parents and/or other community members will want to be involved in policy decisions [16] concerning

[EXHIBIT E-L]

implementation of Act 685, 22 (51.2%) responded tht they do not know, while 1 (37.2%) responded "yes." Of those who responded in the affirmative, all plan to involve these individuals in making such decisions.

Of the 43 superintendents who responded to Question 9, 31 (72.1%) have not begun developing their LEA policy statements addressing Act 685, and, correspondingly, 35 (81.4%) have not begun developing their LEA plans for implementation. When asked what will be included in this plan, responses were indicated in the areas of materials review and selection, inservice training for staff, cost determination, and the development of curriculum guides.

When asked which option (balanced treatment, no instruction in either theory, other or undecided) will be selected by their respective systems (Question 10), 16 (37.2%) indicated that they will provide balanced

[EXHIBIT E-L]

treatment in the teaching of creation-science and evolution-science. However, 14 (32.6%) are as yet undecided, with 12 (27.9%) electing to provide no instruction in either theory. Of the 16 who plan to provide balanced treatment (Question 10), a breakdown based on the respondents' definitions of creation-science reveals that the majority (87.5%) of these individuals define creation-science in terms identified as inconsistent with the SDE's interpretation of Act 685. Of these, 25% perceive creation-science in Biblical terms. Similar analysis relative to the 12 respondents who elected to provide no instruction in either theory (Question 10) reveals that 6 (50.0%) define creation-science in Biblical terms whereas only 1 (8.3%) employs the consistent definition.

[17] The responses obtained in relation to

[EXHIBIT E-L]

items such as 1, 2, and 10, point out the need for employing caution in the interpretation of the results of this survey. The information provided by the responding superintendents must be viewed in accordance with their perceived definitions of creation-science. The design of the questionnaire is such that absolute data cannot be obtained in response to the items specified.

In Question 11, of the 16 superintendents who plan to provide balanced treatment in the teaching of creation-science will begin in the Fall of 1982 with 4 (25%) being undecided as to their anticipated date of implementation. Of the 31 who plan to provide balanced treatment, other or who are undecided, in response to Question 10, 19 (61.3%) indicated that existing funds are not available to cover the cost of implementation and 24 (77.4%)

[EXHIBIT E-L]

indicated that they do not anticipate hiring additional staff in relation to Act 685. When asked who will be assigned responsibility for material review and selection, supervisors, teachers and principals were most often cited. Supervisors and principals were most often designated as being responsible for providng inservice training to assist with the implementation of Act 685. Such training will be provided for teachers, principals and supervisors.

When asked of additional needs concerning the implementation of Act 685, 14 (45.2%) respondents indicated tht new materials will have to be purchsed by 14 (45.2%) were uncertain as to the need for materials at this time. In response to how they plan to utilize the services of the creation-scientists appointed by the governor, [18] superintendents responded that they anticipate requesting that these

individuals provide inservice training, assist in curriculum guide development, and assist in LEA policy development.

Analyses of these results indicate the need for additional planning by the LEAs in preparation for the implementation of Act 685. Whereas most indicated that new materials will be needed, the funds for purchasing these are not available. Responsibility for materials and inservice traning is being delegated among several levels of professinal personnel.

Research Question 4: What is the potential role of the SDE in the implementation of Act 685?

Items 18 and 19 address the vital issue raised in Resarch Question 4. According to the SDE interpretation of Act 685, the responsibility for implementation rests with the LEAs. When asked whether they want SDE assistance in this implementation, 18 (58.1%) of the 31 who plan

[EXHIBIT E-L]

to provide balanced treatment indicated "yes," 8 (25.8%) selected the "don't know" option, and 3 (9.7%) indicated "no." The potential areas in which SDE assistance may be needed include assisting with curriculum development, providing inservice training, material review and/or selection, budgetary matter, and assisting with policy development. Additional comments provided by the respondents similarly emphasize the need for SDE assistance in the implementation of Act 685.

[EXHIBIT E-L]

[19] 3

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Based on the information received from local superintendents in response to the "Status Assessment: Act 685 - Balanced Treatment for Creation-Science and Evolution-Science," the followinng conclusions have been reached by the Bureau of Evaulation:

* The current level of knowledge among Louisiana superintendents concerning Act 685 is limited.
* Local superintendents have received few inquiries from community members concerning Act 685.
* As perceived by local superintendents, few teachers currently address either creation-sciene or evolution-science in their courses. Balanced treatment is not currently being accorded to the teaching of these two theories.

[EXHIBIT E-L]

* In general, LEAs have not begun developing plans for implementation of act 685. New materials and staff development will be needed.
* Superintendents report that they do not have funds to implement Act 685.
* LEAs want SDE leadership and involvement in the implementation of Act 685 in such areas as curriculum development, inservice, material review/selection, budgetary matters, and policy development.

[20] Recommendations

The following recommendations are presented by the Bureau of Evaluation based on analysis of data obtained from the returned "Status Assessment" questionnaires:

1. The text of Act 685 should be carefully explicated and made available

to the LEAs.

2. The SDE should develop projections of the level of expenditures required for implementing Act 685 and identify possible funding sources.

3. The SDE should immediately develop a timetable detailing how all of the activities required for implementing Act 685 will be accomplished by the mandated 1982 date.

4. The SDE should develop a statement of its role concerning the implementation of Act 685 to be made available to LEAS.

[EXHIBIT E-L]

[21] Acknowledgements

The Bureau of Evaluation wishes to thank the many SDE staff members who assisted in the development of the "Status Assessment" questionnaire and in the interpretation of the results. We would especially like to acknowledge the contributions of the following individuals:

Mrs. Sylvia Johnson - Special Assistant to the Superintendent

Don McGehee - Supervisor, Science

Dr. Helen Brown - Director, Curriculum, Inservice and Staff Development

Dr. Sylvia Torbet - Assistant Director, Curriculum, Inservice and Staff Development

Sister Mary Jeanne Girshefski - Supervisor, Special Liaison

Robert Ginn - Director, Materials of Instruction and Textbooks

Addendum

The Bureau acknowledges the receipt of the 10 additional questionnaires after the

[EXHIBIT E-L]

stated due date and appreciates the participation of these individuals. Future analyses of the data will incorporate the additional responses.

[EXHIBIT E-L]

[22]

APPENDICES

A. Act 685 - Balanced Treatment for Creation-Science and Evolution-Science

B. Overall Creation-Science and Evolution-Science Committee

C. Status Assessment: Act 685 - Balanced Treatment for Creation-Science and Evolution-Science

D. Correspondence - October 21, 1981

E. Correspondence - October 28, 1981

[EXHIBIT E-L]

[23] Appendix A

Regular Session, 1981

Senate Bill No. 86

By Messrs. Keith and Richey and Representatives F. Thompson and Cain

Act 685

An Act

To amend Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950 by adding thereto a new Sub-Part, to be designated as Sub-Part D-2 thereof, comprised of Sections 286.1 through 286.7, both inclusive, is hereby enacted to read as follows:

Be it enacted by the Legislature of Louisiana:

Section 1. Sub-Part D-2 of Part III of the Louisiana Revised Statutes of 1950, comprised of Section 286.1 through 286.7, both inclusive, is hereby enacted to read

[EXHIBIT E-L]

as follows:

CHAPTER I. GENERAL SCHOOL LAW

* * *

PART III. PUBLIC SCHOOLS AND SCHOOL CHILDREN

* * *

SUB-PART D-2. BALANCED TREATMENT FOR CREATION-SCIENCE AND EVOLUTION-SCIENCE IN PUBLIC SCHOOL INSTRUCTION

§286.1 Short Title

This Subpart shall be known as the "Balanced Treatment for Creation-Science and Evolution-Science Act."

[24]

§286.2 Purpose

This Subpart is enacted for the purposes of protecting academic freedom.

§286.3 Definitions

As used on this Supart, or as otherwise clearly indicated, these terms have the following meanings:

[EXHIBIT E-L]

(1) "Balanced treatment" means providing whatever information and instruction in both creation and evolution models the classroom teacher determines is necessary and appropriate to provide insight into both theories in view of the textbooks and other instructional materials available for use in his classroom.

(2) "Creation-science" means the scientific evidences for creation and inferences from those scientific evidences.

(3) "Evolution-science" means the scientifice evidences for evolution and inferences from those scientific evidences.

(4) "Public schools" mean public secondary and elementary schools.

§286.4 Authorization for balanced treatment; requirement for nondiscrimination

A. Commencing with the 1982-1983 school year, public schools within this state shall give balanced treatment to creation-

[EXHIBIT E-L]

science and to evolution-science. Balanced treatment of these two models shall be given in classroom lectures taken as a whole for each course, in textbook materials taken as a whole for each course, in library materials taken as a whole for the sciences and taken as a whole for the humanities, and in other educational programs in public schools, to the extent tht such lectures, textbooks, library materials, or educational programs deal in any way with the subject of the origin of man, life, the earth, or the universe. When creation or evolution is taught, each shall be taught as a theory, rather than as proven scientific fact.

B. Public schools within this state and their personnel shall not discriminate by reducing a grade of a student or by singling out and publicly criticizing any student who demonstrates a satisfactory understanding of both evolution-science or

[EXHIBIT E-L]

creation-science and who [25] accepts or rejects either model in whole or part.

C. No teacher in public elementary or secondary school or instructor in any state-supported university in Louisiana who chooses to be a creation-scientist or to teach scientific data which points to creationism shall, for that reason, be discriminated against in any way by any school board, college board, or administrator.

§286.5 Clairfications

This Subpart does not require any instruction in the subject of origins but simply permits instruction in both scientific models (of evolution-science and creation-science) if public schools choose to teach either. This Subpart does not require each individual textbook or library book to give balanced treatment to the models of evolution-science and creation-

[EXHIBIT E-L]

science; it does not require any school books to be discarded. This Subpart does not require each individual classroom lecture in a course to give such balanced treatment but simply permits the lectures as a whole to give balanced treatment; it permits some lectures to present evolution-sceince and other lectures to present creation-science.

Any public school that elects to present any model of origins shall use existing teacher inservice training funds to prepare teachers of public school courses presenting any model or origins to give balanced treatment to the creation-science model and the evolution-science model. Existing library acquisition funds shall be used to purchase nonreligious library books as are necessary to give balanced treatment to the creation-science model and the evolution-science model.

[EXHIBIT E-L]

§286.7 Curriculum Development

A. Each city and parish school board shall develop and provide to each public school classroom teacher in the system a curriculum guide on presentation of creation-science.

B. The governor shall designate seven creation-scientists who shall provide resource services in the development of curriculum guides to any city or parish school board upn request. Each such creation-scientist shall be designated from among the full-time [26] faculty members teaching in any college and university in Louisiana. These creation-scientists shall serve at the pleasure of the governor and without compensation.

Section 2. If any provision or item of this Act or application thereof is held invalid, such invalidity shall not affect other provisions, items, or applicaitions

of this Act which can be given effect without the invalid provision, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 3. All laws or parts of law in conflict herewith are hereby repealed.

_____
PRESIDENT OF THE SENATE

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

[EXHIBIT E-L]

[27] Appendix B

STATE OF LOUISIANA

DEPARTMENT OF EDUCATION

J. Kelly Nix
State Superintendent

P.O. Box 44064
Baton Rouge,
La. 70807

August 21, 1981

TO: SUPERINTENDENT J. KELLY NIX

FROM: Robert Gaston, Ed.D.

SUBJECT: Early September Meeting of the Overall Creation-Science and Evolution-Science Committe regarding the BALANCED TREATMENT FOR CREATION-SCIENCE AND EVOLUTION-SCIENCE ACT (Act 685)

The following personnel are recommended for the Overall Creation-Science and Evolution-Science Committee, the Curriculum Development Committee, and the Materials of Instruction Committee:

[EXHIBIT E-L]

Overall Creation-Science and Evolution-Science Committee

Chairman: Dr. Robert Gaston, Assistant Superintendent, Office of Academic Programs

Dr. Helen Brown, Director, Curriculum, Inservice, and Staff Development

Dr. Gerald Cobb, Dorector, Secondary Education

Dr. William Davis, Director Elementary Education

Mr. Robert Ginn, Director, Materials of Instruction and Textbooks

Sr. Mary Jeanne Girshefski, Ph.D., Supervisor, Special Educatioon Liaison

Mrs. Sylvia Johnson, Special Assistant to the Superintendent

Mr. Eugene Limar, Assistant Superintendent, Auxiliary Programs

Mr. Don McGehee, Supervisor, Science

Dr. Sylvia Torbet, Assistant Director, Curriculum, Inservice, and Staff Development

Dr. Suzanne Triplett, Director, Evaluation

Mr. Joe Williams, Director, Accountability

Mr. David Hamiliton, Legal Counsel for the State Department of Education

Dr. Robert Garvue, Assistant Director, Research

[EXHIBIT E-L]

Mr. Ed Cancienne, Coordinator, Competency Based Education
[28]
Curriculum Development Committee
(Subcommittee)

Chairman: Dr. Helen Brown, Director, Inservice, and Staff Development

Mrs. Cornelia Barnes, Supervisor, English and Language Arts

Mrs. Sylvia Johnson, Special Assistant to the Superintendent

Mr. Don McGehee, Supervisor, Science

Dr. Catherine Nelson, Section, Chief, Special Education Programs

Ms. Diane Reynolds, Assistant Director, Elementary Education

Dr. Sylvia Torbet, Assistant Director, Curriculum, Inservice, and Staff Development

Ms. Connie Gaines, Supervisor, Business and Office Education

Dr. Rosalie Biven, Section Cheif, Home Economics

Materials of Instruction Committee
(Subcommittee - Inhouse)

Chairman: Mr. Robert Ginn, Director, Materials of Instruction and Textbooks

Dr. Helen Brown, Director, Curriculum, Service, and Staff Development

[EXHIBIT E-L]

Ms. Gayle Clement, Education Specialist, Audiovisual Education

Mrs. Louise Cobb, Supervisor, English and Language Arts

Dr. James Cookston, Supervisor, School Libraries

Mr. Don McGehee, Supervisor, Science

Mrs. Lenora Shyne, Supervisor, Elementary Education

Dr. Sylvia Torbet, Assistant Director, Curriculum, Inservice, and Staff Development

Mr. Paul Vanderburg, Supervisor, Curriculum, Inservice, and Staff Development

[EXHIBIT E-L]

[29] APPENDIX C

STATUS ASSESSMENT: ACT 685 - BALANCED TREATMENT FOR CREATION-SCIENCE AND EVOLUTION-SCIENCE

This survey is to gather information from superintendents on the potential impact of Act 685 and to provide guidance to the State Department of Education in planning its role in the implementation of this law. This information will be used for in-house planning purposes only and respondents will remain anonymous.

Drections: Based on your present understanding of Act 685 please respond to each item below by checking ( ) the appropriate response(s). Please feel free to add any comments, questions, or suggestions that are not reflected in this survey.

1. How would you rate your present understanding of the provisions of Act 685?

___No knowledge
___Limited knowledge
___Adequate knowledge
___Extensive knowledge

2. How would you rate your current knowledge of creation-science theory?

___No knowledge
___Limited knowledge
___Adequate knowledge
___Extensive knowledge

3. Act 685 defines creation-science as "the scientific evidence for creation and

[EXHIBIT E-L]

inferences from those scientific evidences." Based on this definition, how would you interpret creation-science?

___The account of the creation of the universe and all living things as it is given in the Bible.
___The argument that all living species appeared about the same time and that, while some species disappeared during natural cataclysms, new ones have not appeared since then.
___The argument that the universe was made by a creator but that more complex species continue to develop
___Other (please specify)_____
___Don't know

4. What is your impression of the attitudes of people within your community about including creation-science in the curriculum?

___Generally favorable
___Generally unfavorable
___Indifferent
___Don't know

5. a) How many inquiries have you received concerning the implementation of Act 685?

___0-5
___6-10
___11-15
___1 or more

b) If you have received inquiries, which group(s) were concerned?

[EXHIBIT E-L]

___Parent groups
___Church groups
___Teacher groups
___Publishing companies/consultants
___Other (specify)_____

6. a) Do you think that parents and/or other community members will want to be involved in policy decisions concerning the implementation of Act 685?

___Yes
___No
___Don't know

b) Do you plan to involve these individuals in such decisions?

___Yes
___No
___Don't know

7. a) In your estimation what percentage of the teachers within your system currently address creation-science within their courses?

___None
___Under 10%
___10-50%
___51-90%
___Over 90%
___Don't know

b) What percentage of the teachers currently address evolution-science within their courses?

___None
___Under 10%

[EXHIBIT E-L]

___10-50%
___51-90%
___Over 90%
___Don't know

8. In your opinion, is there currently balanced treatment for creation-science and evolution-science instruction within your system?

___Yes
___No
___Don't know

9. a) At what stage of development is your LEA policy statement addressing Act 685?

___Do not plan to develop
___Have not begun
___In progress
___Completed

b) At what stage of development is your LEA plan for implementation of Act 685?

___Do not plan to develop
___Have not begun
___In progress
___Completed

c) Which of the following are included or will be included within your implementation plan?

___Needs assessment
___Development of curriculum guides
___Materials review and selection
___Cost determination
___Inservice training for staff
___Other (specify)_____

[EXHIBIT E-L]

10. The State Department of Education interprets Act 685 as requiring instruction in both creation-science and evolution-science if public schools choose to teach either. Which option do you think your system will select?

___Balanced treatment
___No instruction in either theory
___Other (specify)_____

11. If you plan to implement Act 685 by providing balanced treatment, when will this instruction begin?

___Has already begun
___Fall, 1982
___Spring, 1983
___Undecided

[30]

12. Act 685 specifies that implementation is to be funded through existing teacher inservice training funds and existing library acquisition funds. Do you have such funds to cover the cost of implementation?

___Yes
___No
___Don't know

13. Do you anticipate hiring additional staff in order to implement Act 685?

___Yes
___No
___don't know

[EXHIBIT E-L]

14. To whom will you assign responsibility for material review and selection in implementing Act 685?

___Supervisors
___Curriculum specialists
___Principals
___Teachers
___Librarians
___Parents

15. a) Which staff member(s) will be responsible for providing inservice training to assist in implementing Act 685?

___Supervisors
___Curriculum specialists
___Principals
___Teachers
___Other (specify)_____

b) To whom will inservice training be provided?

___Supervisors
___Curriculum specialists
___Principals
___Teachers
___Other (specify)_____

16. Will you need to purchase new materials to implement Act 685?

___Yes
___No
___Don't know

17. How do you think you will use the services of the creation-scientists appointed by the governor?

[EXHIBIT E-L]

___To assist in LEA policy development
___To assist in curriculum guide development
___To provide inservice training
___To assist in selection of curriculum materials
___Other (specify)_____
___Undecided

18. The State Department of Education interprets Act 685 to place the responsibility for implementation on the LEA's. Do you want State Department of Education assistance in this implementation?

___Yes
___No
___Don't know

19. If you would like State Department of Education assistance, in which area(s) would such assistance be needed?

___Conducting needs assessments
___Assisting with policy development
___Assistiing with curricular development
___Material review and/or selection
___Budgetary matters
___Providing inservice training
___Other (specify)_____

Additional comments:

To return please fold and staple so that return address appears on front.

State of Louisiana
Department of Education
Bureau of Evalution
P.O. Box 44064
Baton Rouge, LA 70804

[EXHIBIT E-L]

[31]

Appendix D

STATE OF LOUISIANA
DEPARTMENT OF EDUCATION

J. Kelly Nix
State Superintendent

P.O. Box 44064
Baton Rouge,
La. 70804

October 21, 1981

Dear Superintendent:

I am forwarding to you with this memorandum a copy of Act 685 (Senate Bill No. 86, 1981), the legislation requiring "balanced treatment for creation-science and evolution science in public school instruction." Since Louisiana public schools will be responsible for the implementation of Act 685 commencing with the 1982-1983 school year, I felt that it was appropriate for the Department to ensure that you received a copy of the legislation.

The Department is also concerned with the implementation of this legislation as

[EXHIBIT E-L]

it relates to (1) its impact upon the children of our state, (2) the planning, inservice and costs which will be borne by the local school systems, and (3) the role of the Department in providing support and leadership to the state's local school systems. I have therefore charged the Department's staff, under the leadership of Dr. Robert Gaston, to begin immediately an examination of the issues involved in implementing Act 685 and plans for assisting local school systems with this implementation. Dr. Gaston's group will contact you shortly with a survey requesting your interpretation of how Act 685 is to be implementaed at the local level, your plans for implementation, and the ways in which you can see the Department assisting you. I hope that you will provide us with this information needed to plan useful and timely assistance.

Thank you in advance for your help. If

[EXHIBIT E-L]

you would like any further information please contact me or Dr. Gaston at (504) 342-3355.

Sincerely,

J. KELLY NIX

JKN:set

Enclosure

[EXHIBIT E-L]

[32] Appendix E

STATE OF LOUISIANA
DEPARTMENT OF EDUCATION

J. Kelly Nix
State Superintendent

P.O. Box 44064
Baton Rouge,
La. 70804

October 21, 1981

Dear Superintendent:

On October 21, I forwarded a copy of Act 685 (Senate bill No. 86, 1981), the legislation requiring "balanced treatment for creation-science and evolution-science in public school instruction." Louisiana public schools will be responsible for the implementation of this legislation commencing with the 1982-1983 school year.

The Department is concerned about the potential impact of Act 685 and about our role in assisting local school systems with its implementation. We have therefore developed the enclosed survey requesting your interpretation of how Act 685 is to be im-

[EXHIBIT E-L]

plemented at the local level, your plans for implementation, and the ways in which you can see the Department assisting you. We would appreciate your providing us with this information by November 11, so that we can plan useful and timely assistance. Thank you in advance for your help. If you have any questions concerning the completion of this survey please contact me or Dr. Robert Gaston at (504) 342-3355.

Sincerely,

J. KELLY NIX

JKN:set

Enclosure

[EXHIBIT E-M]

[1]

N.O. T-P. S-1; 7/19/81

P.1

CREATIONISTS AWAIT WORD FROM TREEN ON 'THE BEGINNING'

By John Pope

In the beginning was the bill.

[EXHIBIT E-M]

And the bill was Sen. Bill Keith's bill. and it proposed that Louisiana school children be taught two versions of how the earth and its inhabitants came to be: the traditional scientific explanation. which includes a study of Charles Darwin's theory of evolution. and "scientific creationism." which states that everything happened all at once.

And the Legislature did argue fiercely over the bill, gutting it but then restoring its might before sending it to Gov. David C. Treen for his blessing or veto. The governor promised a decision by Monday. after which the bill could become law without his signature.

The decision puts the governor in a no-win position. Signing the bill would align him with people who have been criticized as anti-intellectual and make him a target of

[EXHIBIT E-M]

an inevitable lawsuit. But because the bill had strong backing from fundamental religious sects, a veto might put Treen in the uncomfortable position of being against religion.

But before his hour of decision arrived, Treen said, "I have no problem with the teaching of it in schools. . . I don't think any child should be required to be instructed in it."

While the governor considered the bill, Don McGehee, supervisor of science for the state's Department of Education, reckoned the cost of converting the curriculum to accomodate creationism. He estimated that workshops for teachers, course guides and library books to supplement the courses would cost $1,856.330.

Textbooks alone would cost $5.2 million, he said, and Louisiana would have to

[EXHIBIT E-M]

pay this sum to the only puublisher of books on the subject. Creation-Life Publishers of San Diego. This organization, McGehee said, is affiliated with the Institute for Creation Research, which has been lobbying legislatures to put creationism into schools.

All these shekels would have to come from Louisiana 66 impoverished school systems, he said, because the Legislature has allocated no money for creationism.

Louisiana would be the second state to cast its lot with creationism. Earlier this year, Arkansas became the first. This tendency is part of the growing conservative trend in this country. Sen. Elwyn J. Nicholson, D-Marrero, said, "It's almost political suicide if you don't vote that way. You got hypocrisy, you got statesmanship, and you got political survival," he said.

[EXHIBIT E-M]

"The Legislature will look to see where the herd is going and then take off," Sen. Anthony J. Guarisco Jr., D-Morgan City, said.

In this first year of the Reagan administration, the lawmakers perceived that the herd was heading to the right. Keith, a lay minister from Shreveport, who is a Baptist seminary graduate, denounced Darwin's theories to his colleagues, describing evolution as "the mythology of science, a fairy tale like frogs changing into men."

The bill touched off a furor in the Louisiana Legislature, settin8 off verbal volleys in which the state's lawmakers fell back on two of every politician's favorite rhetorical props: the Constitution and the Bible.

Combatants staked out their battle [2] positions, unleashed their oratorical

[EXHIBIT E-M]

thunderbolts at each other...and missed. They were supposed to have a debate, but, according to classic forinsic principles. that never happened because lawmakers could not define their terms and agree on common ground upon which to base their argument.

Creationism's opponents, noting the bill's heavy backing from conservative religious groups, claimed that Keith's proposal would bring Adam and Eve into the classroom and that the Book of Genesis would become a textbook, thereby violating the sacred separation of church and state.

Not so, creationists replied, claiming that they have new scientific evidence to offer and that anybody who voted against creationism would be voting against academ-ic freedom. Besides, they said, no deity would intrude into public-school classrooms while creationism was being taught.

[EXHIBIT E-M]

"They say there's no reference to God," McGehee said. "But on Page V of the (creationism) textbook, it says, "the Creator does not create at the whim of a scientist," and there's the word 'Creator' in capital letters."

"There are sometimes in your life when you don't know what to don't said Nicholson, whose actions in the Legislature epitomize this dilemma. Though he describes the measure as "An overreaction" to the relaxed morals of the 1980's. Senate records show that he voted for the bill.

"I was overwhelmed." he said. "I had no choice."

"I think it's ridiculous," Guarisco said. "It's an attempt to redefine science by legislative fiat. Anybody who's familiar with the scientific method knows creationism doesn't fit at all. The only scientists involved with it were Matthew, Mark, Luke

[EXHIBIT E-M]

and John. It's history, it's sociology, but it's not science."

Wrong, says Dr. Edward A. Boudreaux, an associate Professor of chemistry at the University of New Orleans. Creationism "involves scientific laws and principles to investigate data and interpret them. It does agree with the Bible, but it is not necessary to involve biblical study to study creation-science," he said.

Creationism ou8ht to be taught, he said, because it answers questions that Darwin's theory does not -- questions about fossils, about the age of the earth, about the origins of protein molecules and amino acids, and about scientific principles involving such topics as thermodynamics and probability.

"Creation scientists feel that if the Creator was going to utilize evolution as

[EXHIBIT E-M]

his material of creation, then it would be verified in laws of science." Boudreaux said. "But the fact that they are not argues against evolution. It does not hold up."

Although scientific creationists have tried to keep religion away from their precepts, they nevertheless have attracted support from fundamental groups who have always disagreed with evolution.

Large denominations such as the Catholic, Episcopal and Baptist churches look to official position in the debate. In fact, Dr. Robert L. Lee, the executive secretary of the Louisiana Babtist Convention, said, "We are wary of legislation that imposes on any of us what any of us should believe."

But ministers of smaller sects were hasty to urge their congregations to back the bill. In discussing their endorsements

[EXHIBIT E-M]

they stick to the issues of science and academic freedom.

"The Garden of Eden is not the issue," said the Reverend Ansley Orfila, pastor of the First Assembly of God Church in Sildell. "There should be nothing about the Bible in it. If the biblical version of creation happens to coincide with the evolutionist's view of creation. that's good for the church.

"But there is scientific evidence about the way the world was created. that the world has an instantaneous beginning, and I feel this is being suppressed."

Orfila, whose wife refused to teach evolution in her public school class, resents the argument that Keith's bill is an imposition on teachers.

"If our teachers are assigned to give material supporting evolution, evolutionists

[EXHIBIT E-M]

feel that isn't an infringement on academic freedom." he said. "but if they're given material supporting scientific creationism, they start screaming, "Academic freedom." Academic freedom seems to flow one way."

If the bill becomes law, creationism will become part of the curriculum in the 1982-83 school year. The Rev. William C. Morris Jr., Pastor of All Saints' Episcopal Church in River Ridge, is fretting.

"I fear for what will happen to the Bible if this is taught in public schools because I fear the narrative will be very poorly treated by people whose faith is greater than their knowledge or by people who are angry at being made to teach it," said Morris, head of the Communication Department of the Diocese of Louisiana.

"I fear that God will not get a fair

[EXHIBIT E-M]

or accurate presentation." he said. "When you start with the hypothesis that evolution and creationism are in conflict, you're going to get into trouble. You keep thinking that sweet reason will prevail. Usually, it will not."

* * * *

[EXHIBIT E-M]

[3]

Level 3-36 of 37 stories

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BYLINE: By Terri Anderson

[EXHIBIT E-M]

DATELINE: Baton Rouge, Louisiana

BODY:

A North Louisiana Senator will revive the emotional issue of creationism versus evolution ___teachers will demand higher salaries and improved benefits in education - related measures confronting the 1981 Legislature.

Legislators this season, which opens Monday, won't face the explosive issues ___ teacher competency board and merit pay system that rocked the 1980 legislature with firey, long-winded debates.

But some lawmakers say money-matters and the nationally-controversial creationism move may brirg an equal amount of fireworks.

Sen. Bill Keith, D-Shreveport, last year introduced a bill to force Louisiana Public

[EXHIBIT E-M]

schools to teach the theory of scientific creationism -- which claims man and animals were Placed on the earth in their present form by a divine creator -- ___evolution.

When the Senate Education Committee lost its ___and refused to vote on ___bill last year. Keith ___the effort and instead arranged for an interum committee to study the proposition.

Bolstered by successful creationism bills in other states, Keith said he would seek this year to force schools to give equal teaching time to the creationism theory and evolution.

"Right now, we don't have academic freedom in our schools," Keith said. "The public schools within this state must give balanced treatment to creation science and to evolution science."

[EXHIBIT E-M]

Although Keith said his bill had a "strong ___against religious __." he admitted the basic tenents of scientific creationism were ___closely to the Book of Genesis in the theories belief in the work of a divine creator. [4]

Despite his bills lackadaisical treatment in the Senate committe last year, with predicted increased support for the measure this year.

"There's so much going on (in committees), so many legislators going in and out, that it amazes me that any bill ever gets a fair hearing," he said.

"Nevertheless, I did not interpret the fact that they did not act on the bill last year to be a lack of interest in it. We pick up support every day from legislators."

Salary and benefit proposals by teacher unions also are expected to comprise much

[EXHIBIT E-M]

of education-related legislation in 1981.

The AFL-CIO-affiliated Louisiana Federation of Teachers has proposed a 10 percent across-the-board raise for all educational employees. but Gov. Dave Treen has recommended only 8 percent.

Educators also are asking for improved benefits and better pay for veteran teachers which, coupled with the 10 percent salary request, would cost the state 162 million.

Another union proposal would rebate one-third of the state's 3-cent sales tax to school boards and local governments for use in constructing and repairing schools and government facilities.

"What we want to do is provide dramatic physical improvements to the educational environments in our state," said LFT President William Savage. "This is unique because the money will not go to salaries

[EXHIBIT E-M]

and benefits. This means the state will be making a wise investment in the future of education."

The rebate would cost about $139 million.

These money issues, said the Chairman of the Senate Education Committee. will ___ 1981's emotional issues of the Teacher's Professional Practices Commission -- a competency board decried as a "witchunt" by teacher unions last year -and the Professional Improvement Program, a merit pay plan also opposed by unions.

"I don't really expect the bombs bursting in air like last year ... but I think the battle will probably be over what to do with the money," said Sen. Armand Brinkhaus, D-Sunset.

Treen said he planned no major education proposals this year but would support

[EXHIBIT E-M]

plans to mend problems with the new Professional Practices Commission.

* * * *

[5]

6-20-8

page 15, col 1

GOD vs. APES

Senators Skip Vote on Creation Theory Teaching

by Jack Wardlaw

Baton Rouge -- A proposed law to give God equal time with evolution in Louisiana's science classrooms was left in limbo Thursday after the legislators considering the bill failed to muster a quorum.

[EXHIBIT E-M]

Sen. Bill Keith of Shreveport had dressed up the presentation of his bill with a half-hour slide show containing encyclopedia drawings of ape-like creatures illustrating what he regards as defects in Charles Darwin's theory of evolution.

But most members of the Senate Education Committee quietly departed while the lights were out, and no vote could be taken.

The bill requires that if evolution is taught in Louisiana public schools. creation must be taught also. "They can teach both or neither one," Keith explained.

Babs Minhinnette of Baton Rouge, speaking for the Taxpayers' Education Program, argued for approval of the bill. "When we tell school children they are descended from apes," she said, "they start acting

[EXHIBIT E-M]

like apes. If we tell them they come from Almighty God, maybe they will act better."

Donald Magee of the Department of Education disagreed. "Evolution teaches how things came about; the creation story tries to tell why and by whom life was created. We can't do that in the classroom."

The committee could take up the measure at its next meeting next week, but at this stage of the legislative process bills that are still in committee in their house of origin are virtually dead.

Keith's bill would require the teaching of the "scientific creation theory" concerning the origins of the universe and of man, along with the currently accepted scientific theory that the universe evolved from "primeval chaos" and that man evolved from lower forms of life.

[EXHIBIT E-M]

Keith defines the "theory of creation ex nihlio," which he wants taught along with evolution. as "the belief that the origin of the elements, the galaxy, the solar system, of life, of all the species of plants and animals, the origin of man... were created and fixed by God."

Students today are taught evolution exclusively, Keith complained. He produced Dr. Luther D. Sunderland of New York, an aerospace engineer, to support his view.

Sunderland said recent scientific discoveries, including the finding of a 3 million-year-old human skull in Africa, has changed all previously accepted scientific knowledge and casts doubt on the validity of evolution.

He said the creation theory holds that all species, including man, came into being all at once without any evolutionary pro-

[EXHIBIT E-M]

cess. He said the earliest fossil remains support this view because no evidence of evolutionary development has been found in the fossil records.

Committee members showed little interest in the discussion, and when the time came to vote only three were present.

Chairman Armand J. Brinkhaus, D-Sunset, told a disappointed Keith "under the rules, the only act you can take when you don't have a quorum is to adjourn. This meeting is adjourned."

* * * *

[EXHIBIT E-M]

* * * *

[18]

American Press

Lake Charles, La.

June 26, 1984

HOUSE VOTES AGAINST CREATION LAW REPEAL

Baton Rouge -- By a lopsided vote of 26-61 vote the House of Representatives refused Monday to repeal the controversial creationism law that would require the teaching of the theory of creation along-side that of evolution.

All members of the Southwest Louisiana legislative delegation voted against repeal.

The law, passed in 1981, requires public schools to Provide equal treatment to

[EXHIBIT E-M]

the theories of creationism and evolution as the roots of mankind's existence.

Rep. Alphonse Jackson of Shreveport, who handled the bill in the House, said the constitutionality of the law is being challenged in the courts. The cost to taxpayers is estimated at about $500,000, he said. Jackson said he has been told the state will very likely lose the case.

The cost to change the textbooks to implement the course has been conservatively estimated at $7 million, he said. Jackson said he puts the cost at closer to $25 million.

He said it was athiests and agnostics who testified for the bill in committee.

"These are the people who want to keep this law on the books." Jackson said. "These are the people who would be teaching your children."

[EXHIBIT E-M]

Rep. Quentin Dastugue of Metairie said the present law actually prohibits the teaching of the Biblical version of creationism. That's why the athiests and agnostics supported the bill, he said.

"That was one of the compromises Mr. (Bill) Keith made to get this piece of trash passed," Dastague said.

Former Sen. Bill Keith of Shreveport authored the bill that became the creationism law.

ReP. John Travis of Jackson tried unsuccessfully to amend the bill to prohibit the teaching of evolution. Schools should get back to teaching the basics of reading. writing and arithmetic and leave creation instruction to parents and preachers, Travis said.

Rep. Manuel Fernandez of Chalmette cautioned the House not to rehash the

[EXHIBIT E-M]

Scopes "Monkey Trial". The Legislature would become the laughingstock of the nation. he said.

Jackson said that in supporting repeal he was not arguing for or against evolution or creationism. But the Legislature should not attempt to dictate curricula to the schools, he said.

"It won't work," Jackson said.

It would be impossible to give the two viewpoints balanced treatment, he said. He said the law is intellectually unsound. seriously impairs academic freedom and would discourage scientific inquiry.

Jackson added that the legislature should maintain the strict posture of separation of church and state. Dastugue said lawmakers have receive 30-40 telegrams within the past couple weeks opposing repeal. A check showed that the telegrams originated

[EXHIBIT E-M]

from one address in Shreveport, he said. Opponents of repeal were asking People to call a hotline, and a telegram would be forwarded to the Legislature in their name. Dastugue said the tactic was misleading to legislators.

The textbook proposed for use in teaching the creationism course can probably be found in any science fiction store, he said.

He said that virtually all major church denominations oppose the teaching of creationism.

Travis was the only legislator who had an opportunity to testify against the bill when debate was cut off.

--ELLZEY

* * * *

American Press
Lake Charles, La.
July 1, 1984

[EXHIBIT E-M]

[19]

JUL - 1 -- 84

The Public Speaks

OPINIONS LACKED SUPPORT

The Louisiana House of Representatives voted overwhelmingly against the repeal of the state's creationism law on June 25. This law, otherwise known as the Balanced Treatment Act, does not require the teaching of creation-science or evolution. It simply says that if evolution is taught, an equal amount of time must be devoted to the teaching of creation-science.

The coverage in the Lake Charles American Press of this legislative action was, in my opinion, a good example of biased reporting. Although 70 percent of the representatives voted against repeal, the four quoted in the article were all in

[EXHIBIT E-M]

favor of repeal. The statements of all four men were opinions lacking support of facts.

Rep. Jackson's comments are typical of the half-truths presented by those opposed to this law. The funds provided by the state for the defense of the case will not come from taxpayers but from private contributions to the Creation Science Legal Defense Fund. Louisiana has a good chance of winning, too. With the aid of a number of scientists and expert witnesses, the state has a formidable and well-prepared case.

In addition, several studies indicate an implementation cost of much less than $1 million. And the charge that athiests and agnostics would be teaching our children as a result of the law is ridiculous. It is also obvious that Rep. Jackson has not done an objective study of the scientific evi-

[EXHIBIT E-M]

dence in support of creation theory. Numerous scientists in the fields of biology, genetics, geology, physics etc. would not agree that creation-science is intellectually unsound or that it discourages scientific inquiry.

The vast majority of the voters of Louisiana disagree With Rep. Dastugue's assessment of the law as a "piece of trash." Polls conducted in 1981 and recent public response confirms this. The charge that all correspondence to legislators originated from Shreveport is totally false. It is a fact that the legislators of this area received calls, postcards and letters that originated from Southwest Louisiana. And equating creation-science with science fiction is so ludicrous as to not even warrant a response.

Separation of church and state is not an issue, either. Creation-science does

[EXHIBIT E-M]

not encompass any type of theology or doctrine. It is factual scientific data that supports an origin of man by creation as opposed to evolution.

It is impossible to Prove either the theory of evolution or the theory of creation. It seems only fair to teach the scientific evidence in support of both. I would like to express my appreciation to the representatives of this state. and especially those of this area. for their support of the Balanced Treatment Act.

FlNLEY JONES
Route 1, Box 3269 Lot 71
Lake Charles, La. 70601

[EXHIBIT E-M]

Run Government by the Bible

CHRISTIAN GROUPS SEEK REFORM

by Mark Ballard

A number of conservative Christian cruscaders' ultimate goal apparently is to reform the government into an enforcer of their religious and moral beliefs.

"We are trying to educate people in biblical statehood, that is, a government run according to biblical standards, the way God intended," said the Rev. Bill Burrows, who helped found the Baton Rouge-based Concerned Christians for Good Government.

Secular humanism is the philosophy which has encompassed American thinking, causing the government to turn away from Christian values, some religious conservatives say.

Over 65 percent of Louisiana's citi-

[EXHIBIT E-M]

zens are sympathetic to the fight against secular humanism, according to the national office of Moral Majority, Inc. Baton Rouge's Rev. Bob Buchanan of Central Baptist Church, has no estimate capital city's metropolitan area is the core of a corridor of effectiveness which stretches from New Orleans and Slidell.

In Louisiana, the Moral Majority works through CCGG, which Buchanan helped found and now runs. "I guess I could be considered very, very narrow, but what I'm doing is working for the good of Louisiana and the good of this city," Buchanan said.

CCGG is organized along the same lines as the Moral Majority. Though independent members are accepted the bulk of their strength comes ffrom ministers at various churches. These pastors distribute information and elicit support from their church

[EXHIBIT E-M]

congregations.

"The forces of secular humanism have dominated nearly every aspect of our life," said Burrows. "If we are going to be able to pray as we choose, we must combat this evil concept. We are at war."

Burrows said the group is now in the process of mobilizing Christian conservatives. "We're going to register Christians (to vote), keep them up on the issues, let them know how to most effectively let their representatives know their views on the issues," he said. He added the group will distribute voting records of solons and publicize lists of public officials they believe to be secular humanists.

At the beginning of October, Burrows said his group will be meeting with state representatives and senators to organize legislation for the upcoming regular session of the Legislature. Among the problems he

[EXHIBIT E-M]

wants attacked are abortion, pornography, lobbying by public officials, family problems, prpoperty taxes and homosexual teachers. The Baptist pastor claims the Bible has opinions on all those subjects.

"The Bible is replete with what happens when the government gets involved (in moral issues). The Bible has a clear interpretation on all matters," Burrows said.

The need to separate church and state is not an issue, said the Haughton minister. "It was never intended to keep the church out of politics."

Burrows' organization plans to endorse candidates who share their goal and field new candidates when none can be found. Plans already are underway to unseat at least one senator.

"Yes, we are mounting a campaign against Syd Nelson," Burrows said. Sen.

[EXHIBIT E-M]

Sydney D. Nelson, D-Shreveport, led the opposition against Mooringsport Sen. Bill Keith's scientific-creationism bill during the last legislative session. Though Nelson is a Methodist Sunday School teacher, Burroughs feels his "humanistic attitudes" make him subversive.

Scientific-cerationism was the first anti-humanist issue which successfully put legislators on the spot.

"Frankly, we're scared to death of these people, that's why that creationism thing passed. Who wants to explain to his constituancy that he voted against God, motherhood, and apple pie?" said one state senator, who wished not to be identified.

"They attach the Bible to their issues and preach on it from the pulpit. We just doon't stand a chance."

Religious groups have "a fervor, an intensity of belief. Most people in politics

[EXHIBIT E-M]

don't have that kind of tenacity," said Dr. Paul Grosser, professor of political science at LSU. He said conservative religion has historically offered alternatives to social upheaval.

The 1950s, when American society was calm, were the formative years for most persons in current positions of power, Grosser explained. With the advent of liberal intereptations (sic) of the U.S. Constitution, the rise of discontented blacks and protest against the Vietnam War, behavior patterns which had come to be considered the norm were shattered, contends the author of "Causes and Effects of Anti-Semitism."

"Anyone growing up prior to the '60s, as I did, had his beliefs challanged (sic)," he said. Increased media coverage spotlighted many of America's problems like crime, political corruption, race and sex, causing citizens to question the institu-

[EXHIBIT E-M]

tions with which many had felt secure," he said.

One's need for security in an unsure time fuels conservative Christian groups who offer concrete guidelines and a positive direction for one to follow," Grosser said.

In effect, these organizations are "manipulators of discontent," Grosser said, transforming simple political issues into moral questions. He said this is what some want. "When the bias is already there, you don't have to do much of a sales job," he said. Secular humanism is just a political banner religious conservatives are using to transform people's fears into popular support for their goals, said Dr. Spencer Maxcy, author and professor of educational philosophy at LSU.

"Their (conservative Christians) difficulty is the inability to separate matters

[EXHIBIT E-M]

of moral concern from that of political concern," he said.

Most educatros refute the idea that there is a school of thought called secular humanism. However, many conservative Christians believe the philosophy is a real danger and have vowed to expel it from America.

Several state solons have allied with their cause and many political action groups have sprung up from the ranks of conservative religious congregations rallying under the flag of anti-humanism.

Conservative religious groups in the area include concerned Parents for Clean, Traditional American Education, centered in New Iberia; the Christian Roundtable of Louisiana in Alexandria; the CCGG, Christian Defense League, and the American Guard, all working out of Baton Rouge.

These groups and may like them are

[EXHIBIT E-M]

similar only in the aspect that their members are all conservative religious people who are concerned about secular humanism's effect on America.

"The way to fight secular humanism is to tell them what it is. If they're educated to what it can do, then they'll make the right choice," said Dr. Richard White, pastor of Baton Rouge's Calvary Heights Baptist Church. "Their educational process comes from the radio, the television and the pulpit. For the next 10 years, this education process will be going on."

[EXHIBIT E-M]

IMPOSING RELIGIOUS DOCTRINE

If Louisiana is not to have religious doctrine imposed on its public school teachers and children, Gov. David C. Treen will have to veto the Legislature's approval of a bill mandating the teaching of "scientific creationism" in public schools where evolutionary science is taught.

The Legislature, with its support of "scientific creationism," has once again passed the burden of leadership on to the governor. The governor should veto this ill-advised legislative act. The state has no busisness mandating the teaching of religious beliefs in our public schools, where some teachers and students might hold beliefs contrary to those being imposed upon them.

There is nothing scientific about "scientific creationism," which is a contradiction in terms. A religious theory based

[EXHIBIT E-M]

on the biblical story of creation found in the Book of Genesis, it is not subject to scientific verification utilizing universally accepted scientific methods.

By avoiding any reference to the Bible or religion, the terms "scientific creationism" represents a clear effort by its proponents to circumvent the federal prohibition against the teaching of religion in public schools. It is appalling that the Legislature should capitulate to this subterfuge.

Scientific creationism is more than a narrow-based assault on the study of evolution, it necessarily challenges, in addition, the validity of the sciences of geology and paleontology, on which the study of evolution depends, and, by extension, the whole scientific process.

Although it evidently is not understood by a majority of our legislators, the

[EXHIBIT E-M]

effort to force the teaching of scientific creationism in the public schools is widely perceived by many chuch leaders to be a threat to religious freedom. In Arkansas, a coalition of educational and religious leaders, including representatives of many of the established churches, have joined in a suit challenging a new state law mandating the teaching of scientific creationism in the public schools.

Freedom of religion and scientific progress are integral and essential parts of our heritage and our democracy. Many scientists are, in fact, deeply religious, and many devoutly religious individuals have no problem conceding to science that which belongs to science. Only a misguided minority cannot let well enough alone.

[EXHIBIT E-M]

RANDOM RESPONSES

How do you feel about teaching creation science in public schools?

Mae Lois Brown, Winnfield:

"I think it's wonderful, I think they should teach it, as far as I know."

Martha Ham, Winnfield:

"Well, I'm a Christian and I don't believe creation science should be taught in the schools. I think it should be taught at home. I don't think they should teach evolution."

Gardenia Moore, Winnfield:

Yes, I think they should teach it in schools, becuase I don't believe it's theory. It's fact."

Tim Murphy, Natchitoches:

"I don't think creation science should be taught in schools, because I believe it is a religious belief based on faith not fact.

[EXHIBIT E-M]

When you start teaching faith in public schools you're telling people how to think. this should be left to a personal belief with the creator."

Patti Neal, Winfield:

"I think it should be. It will help teach our children good morals and values."

Johnny Jackson, Winnfield:

"I don't think they should have taken prayer out of the schools. I was raised in a Christian home, and the Bible taught me God made man in his image. I believe it should be taught in schools."

[EXHIBIT E-M]

Lafayette, LA

May 25, 1984

ACADIANA SENATORS TAKE LEAD IN REPEALING CREATIONISM LAW

by Mike Hasten
Advertiser State Editor

BATON ROUGE - Requiring the teaching of creationism is a costly mistake made by the legislature, Acadiana senators said as they led the Senate in repealing a law adopted two years ago.

Sens. Cecil Picard of Maurice, Armaund Brinkhaus of Sunset and Anthony Guarisco of Morgan City all argued in favor of the repeal, saying that the law never should have been adopted.

Louisiana's creationism law was adopted in 1982 amid emotional debate and heavy lobbying by fundamentalist church groups. Sen. Bill Keith of Shreveport, who was defeated in a re-election attempt, was the

[EXHIBIT E-M]

author of the original measure and is a member of a fundamentalist church. He and several church groups are fighting for the law's survival but their arguments had little effect in the Senate.

Lawsuits Filed

Lawsuits have been filed to block implementation of the law, which would have required that creationism be taught whenever evolution was taught. Attorneys say the state already has spent more that $200,000 on the case and it has yet to go to trial. If the House agrees with the Senate, it never will.

Picard argued that, putting the religious considerations aside, "It's a matter of economics. We just can't afford it."

It is estimated that implementing the course would cost $7 million for the local school boards who are now strapped to pay for programs that already exist, he said.

[EXHIBIT E-M]

Guarisco, one of a few senators who opposed creationism when it was first proposed, contested claims that the legislature has a moral obligation to go through with it. "We have a moral obligation to be intelligent," he said.

Answering a senator who said he would never believe that men evolved from monkeys, Guarisco said, "We made monkeys out of ourselves when we passed this bill."

Efforts Failed

Guarisco remined the Senate that he tried last year to get the law repealed but no one went along with him.

His approach was a bit unusual, however. He wanted church schools to be forced to teach Darwinism.

Guarisco concluded his argument by urging senators to"use what brains God gave you," to vote the repeal of the law.

[EXHIBIT E-M]

Brinkhaus presented the argument of a majority of chruch groups, including Catholics, Methodists, Baptists, Episcopalians, and Presbyterians. The churches united in the Interchurch Convention opposed the mandatory teaching (sic) creationism.

Brinkhaus also said he is "sorry now that we ever let that bill out of committee at all two years ago."

"I made a mistake then by being gutless and I'm not going to continue doing it on this issue," he said.

"The world is not going to come to an end if we repeeeal creationism," Brinkhaus said.

The Senate voted 21-16 in favor of the repeal. Sen. Oswald Decuir of New Iberia was the only area lawmaker who opposed the repeal.

HOW THEY VOTED

E-903

[EXHIBIT E-M]
FOR

Bares, Brinkhaus, Guarisco, Picard

AGAINST

Decuir

[EXHIBIT E-M]

Daily News

Jennings, LA

May 25, 1984

SENATE VOTES TO ABOLISH CREATIONISM INSTRUCTION

BATON ROUGE,LA (UPI) - While minsters (sic) protested on the steps of the State Capitol, senators inside voted to abolish the controversial law mandating balanced teaching of the biblical story of creationism and scientific theories of evolution.

Senators Thursday voted 21-16 (sic) repeal the three-year-old law requiring creationism to be taught along with scientific theories of the origin of man. And at the same time, a group of Christians rallied outside protesting the measure and several proposals they said would restrict religious freedom.

Bill sponsor Sen. Sydney Nelson, D-Shreveport, said the issue is not religion,

[EXHIBIT E-M]

but education freedom.

"You can believe in evolution and believe in God. But you can't believe in science and believe in mandating the teachin of creationism," Nelson said.

"There are several things that can't go together in society. . . the religious domain and the government just don't work," Sen. Anthony Guarisco, D-Morgan City said.

"Creationism is a nice beautiful story. It might or might not be true. But evolution is a science. It's a theory that has yet to be proved, but it's in the scientific domain," Guarisco said.

The law requiring balanced instruction of creationism and evolution in public schools was passed in 1981 but has been tied up (sic) court and never tested.

Nelson told colleagues the state would spend some $300,000 if it has to continue

[EXHIBIT E-M]

defending the constitutionality of the law in a pending suit with the American Civil Liberties Union.

Hed said if the case goes to trial in the 5th Circuit Court and the state loses, Louisiana could be forced to pay $1.5 million in attorney's fees to the ACLU.

And if the state wins and the law is upheld, he said local school districts will have to spend $7.5 million updating textbooks and library facilities to balance science instruction.

Louisiana is the only state that still has such a law, and he pointed out that an Arkansas judge recently ruled a similiar (sic) measure violated the Consititutional separation of church and state.

But Sen. Mike Cross, D-Baker, offered a different solution to the legal questions.

He attempted to change the bill to prohibit the teaching of both religious and

[EXHIBIT E-M]

scientific theories.

"I don't think either should be allowed to be taught by themselves," he said.

His measure was defeated, with supporters of Nelson's bill arguing the Legislature should not be allowed to mandate curriculum.

"Adolph Hitler mandated what should be taught in schools," said Sen. Fritz Windhorst, D-Gretna. "Joe Stalin mandated what should be taught in schools."

But Sen. David Ginn, D-Bastrop, said he thought lawmakers were right in passing the original law.

"I'd like to keep it and I don't care what some lawyer in the Supreme Court says," he said.

The measure has now been sent to the House for debate. If approved there, the change will require Gov. Edwin Edwards' signature.

[EXHIBIT E-M]

This is how state senators Thursday voted to repeal the law mandating the biblical story of creationism be taught with scientific theories of evolution:

FOR

Bagert, Bagneris, Bares, Brinkhaus, Cas (sic), Guarisco, Hollis, Hudson, Jefferson, Land, Lauricella, McLeod, Nelson, Nicholson, Nun, Osterberger, Picard, Saunders, Tarver, Turn (sic), Windhorst.

AGAINST

Barham, Campbell, Chabert, Cross, Decuir, Ginn, Hinton, Jumonville, Kelly, McPherson, Neeson, Newman, Poston, Rayburn, Sevar, Swearingen.

[EXHIBIT E-M]

DAILY WORLD

Opelousas, LA

May 25, 1984

OUR OPINION

SENATE TAKES A WRONG TURN

The Louisiana Senate yesterday decided to reverse itself and voted to repeal a law that would give the views of scientific creationism a chance to complete with the dominant theory of evolution.

Three years ago the Legislature decided that the Biblical-based belief in creation should be taught in the state's public schools, if evolution were made a part of science courses.

Opponents of creations have succeeded in the Senate by convincing 21 senators that evolution is science and creationism is religion and that the two should never be discussed side-by-side in a public

[EXHIBIT E-M]

classroom.

The Senate action is right in tune with the new wave of humanistic dogmas that rely completely on the ability of man, absent of any supernatural influence.

The developers of the evolutionary theory, including Darwin, certainly have never tried to argue the theory as in the Bible. Evolution finds it much easier to get along with atheism because it does not requre any belief in a creative power. Creationism does.

We have always thought that educational pursuits should allow ideas to compete for a place of acceptance.

Sen. Anthony Guarisco, D-Morgan City, who urged support of the repeal, said, "We have a moral obligation to be intelligent."

We think Sen. Guarisco is right,

[EXHIBIT E-M]

even if he is using the argument in defense of restricting ideas.

We can understand that the Senate does not want to have to spend upward of $1 million in defense of the law to allow the two beliefs to be taught side by side. But that does not make it any less important for students to have the freedom to chose (sic) between the two systems.

Dr. Henry Morris, one of the chief supporters of creationism in the nation, says that students should be allowed to look at the available scientific data and decide which fits best with the smallest number of modifications.

That would seem a reasonable approach.

In the Senate vote Thursday, Sen. Armand Brinkhaus and Sen. John Saunders both voted to repeal the law requiring equal treatment of the origiin of man.

Sen. Brinkhaus said he had been

[EXHIBIT E-M]

pressured by religious groups. "I made a mistake then in being gutless," he said in press reports from Baton Rouge.

We can understand the senator's indecisiveness when so much in public schools and univeristiies are so weighted in favor of evolution and the rejection of creationism.

Maybe the House will be more sensitive to the need for complete education in Louisianawhere ideas are not sheltered from the view of students because their basic support comes from the Bible.

We must undestand (sic)/ that evolution is no longer considered a theory by its chief proponents. It is now considered an indisputable fact even in the face of far greater understanding of how it is possible that the world came into being suddenly rather than over billions of years.

[EXHIBIT E-M]

WEST BANK GUIDE

Gretna, LA

June 17, 1984

RADKE URGES DEFEAT OF CREATIONISM REPEAL

Dear editor:

It is absolutely urgent for the cause of truth and academic freedom that the West Bankers urge their representatives in the Louisiana House of Representatives to vote "No" Monday on Senate Bill 269, an attempt to repeal the Louisiana law that was passed to give balanced treatment to the scientific support for creation along with the scientific data that supports the theory of evolution. American Civil Liberties Union-backed forces in the Legislature almost caught the citizens of Louisiana unaware, and the Senate has already passed a bill voting 21-16 to repeal your Balanced Treatment Law. Only your concern and the communication of that concern to your

[EXHIBIT E-M]

representative in the Louisiana House of Representatives will prevent Senate Bill 269, which would repeal the Balanced Treatment Act, (sic) from being enacted.

The ACLU-backed forces persuaded the House Committee on Wednesday, June 13, by the narrow margin of 8-7 that most Louisianians oppose creation science. Scientific opinion polls simply show that is not true. The public overrwhelmingly supports balanced treatment for creation science teaching in our public schools. You are the only one that can get that message to the Legislature in an effective way.

Let me give you some information to correct the false impression that some newspaper articles have given the public. The Balanced Treatment Act does not require public schools to teach any religion, the Bible, or the Genesis acount of creation. Yet, almost every newspaper article on the

[EXHIBIT E-M]

subject has indicated that it does. The Balanced Treatment Act simply upholds the student's right to be exposed to all of the scientific information relating to the origin of the universe and the origin of life. Only then are they free to make their own choices and draw their own conclusions after full exposure to both sides of the issues. The Balanced Treatment Act, which the ACLU wants to repeal, is based on the principle of academic freedom.

Secondly, the news articles have talked a great deal about the "great expense" of the state's efforts to defend the Balanced Treatment Law against ACLU lawsuits and the "great expense" supposedly required to implement the Balanced Treatment Act. This information has been grossly exaggerated. As to litigation expense, the state has already appropriated the small amount of money that is is contributing to the defense of

[EXHIBIT E-M]

the act. All of the attorneys' fees and most of the expenses for defending the act in court against ACLU attack has been paid by private citizens making donations to the Creation Science Legal Defense Fund. The state's money and your tax money has (sic) not been involved at all. Many of those attorneys are serving without fee and voluntarily contributing their services. The publicized multi-million dollar sums being projected as the likely cost of implementing the act in the schools is nonsense. The Legislature has placed a moratorium on implementing the act and that moratorium can continue until the state recycles its books or can provide inexpensive memeographed materials to supplement the one or two chapters in any textbook that might have evolution science discussed without discussing creation science. The best estimates of that cost for the whole state has

[EXHIBIT E-M]

been estimated at $40,000.

You have a clear choice: your call to your legislator can preserve balanced treatment for creation science and can preserve academic freedom. Your failure to call will bring years of continuing indoctrination in evolution without providing scientific alternatives. The number to call the Legislature's pulseline, which is a free call, is 1-800-272-8186 leaving a message to vote "No" on Senate Bill 269. If you cannot get through on that number after repeatedly trying, please call the Cration Science Hotline at (318) 221-2767 or (318) 222-1350.

Believe me, if this Balanced Treatment Act required the teaching of religion or the Bible in public schools, I would be against it, because there are many different views about those matters. But this bill does not require the teaching of any

[EXHIBIT E-M]

religion or the teaching of the Bible in public schools. It just requires the teaching of all the scientific data with regard to the origins of the universe and the origins of man. this is one matter that we should all stand together on against the ACLU and the forces of secular humanism. Again, please call your representative at 1-800-272-8186.

Pastor Paul Radke

West Bank Cathedral

Marrero

[EXHIBIT E-M]

TIMES-PICAYUNE

NEW ORLEANS, LA

June 25, 1984

KEY ISSUES REMAIN FOR LAWMAKERS

by Jack Wardlaw

BATON ROUGE - The Legislature is driving toward adjournment this weekend with only a handful of major issues remaining to be settled.

Those few issues, however, include some of the most controversial of the session, including the $17.5 million bailout of the world's fair, repealing the "scientific creationism" law and giving Gov. Edwin W. Edwards effective control over the two bodies that enforce the state's ethics laws.

Also in the process are the two big money bills of the session, the $6.28 billion general appropriations bill and the $1.4 billion capital outlay bill.

[EXHIBIT E-M]

The biggest obstacle to adjournment at week's end, however, was not the major issues but a massive backlog of proposed legislation still awaiting action. As of Sunday night, the House had 246 Senate bills on its calendar; the Senate had 74 House bills waiting to be voted on.

Senate President Samuel B. Nunez, D-Chalmette, said last week he hopes to wind the session up by Friday, 10 days in advance of the constitutionally-mandated adjournment date of Jul16 9.

House Speaker John A. Alario Jr., D-Westwego, said it may take until Saturday to clear the House calendar and prepare to adjourn without date.

Edwards last week convinced the Senate to go along with his latest effort to keep the world's fair out of bankruptcy. The new plan involves the finances and guaranteeing a $15 million loan to meet its

[EXHIBIT E-M]

obligations, plus an extra $2.5 million Edwards said the fair could use if another emergency crops up after the Legislature goes home.

The Senate passed the bill last week, but it faces stiff opposition in the House Ways and Means Committee.

Also up for Monday hearings are the appropriations and capital outlay bills. The appropriations bill, which contains the state's operating budget for the 1984-85 fiscal year starting Sunday (July 1) is before the Senate Finance committee; the capital outlay bill, containing the state's proposed spending on lasting, brick-and-mortor (sic) projects is before the Senate Revenue and Fiscal Affairs Committee.

The panels spent Sunday afternoon receiving proposed amendments to the measures but took no action. Senate leaders hope both bills will be reported out of

[EXHIBIT E-M]

committee Monday so they can come to a vote on the floor by mid-week.

The "scientific creationism" repeal bill is one of the 246 Senate-passed measures awaiting House floor action. It probably will come up late Monday or Tuesday.

The bill, by Sen. Sydney Nelson, D-Shreveport, would repeal the law passed in 1981 but never enforced because of court litigation. The law requires the teaching of the Bible-based theory that the world and all the species of life came into being suddenly just a few thousand years ago alongside Charles Darwin's theory of evolution, which holds that the species evolved over very long periods of time.

The 1981 law has been on hold pending the outcome of a federal court challenge by the American Civil Liberties Union.

Nelson steered his bill through the

[EXHIBIT E-M]

Senate and the House Education Committee, but he acknowleges (sic) he faces an uphill fight on the House floor. "I think they (House members) know that we're right but they don't want to go on record," said Rep. Alphonse Jackson, D-Shreveport, House floor manager of the repealer bill.

The bills giving Edwards the right to appoint enough new members to effectively control the Board of Ethics for Elected Officials and the Commission on Ethics for Public Employees are at the bottom of the long list of Senate bills and are not likely to come up for a floor vote until near the end of the week. It is possible that the House could adjourn before voting on them.

[EXHIBIT E-M]

TIMES

SHREVEPORT, LA

June 26, 1984

CREATIONISM REPEAL BILL KILLED IN HOUSE

BATON ROUGE - After a caustic debate, the House of Representatives Monday night voted to kill a measure that would have repealed the state's so-called creation science law.

The bill, which was never seriously debated, was killed by the House 26-61.

The state's current law provides for balanced treatment of evolution and scientific creationsim in the public schools. Under constitutional attack in federal courts, the law has never been implemented.

Legislators killed the repeal effort by Sen. Syd Nelson, D-Shreveport, without seriously debating the issue. A procedural effort by the House did not allow for opponents of the bill to speak in favor of

[EXHIBIT E-M]

keeping the current law.

Rep. Alphonse Jackson, D-Shreveport, who handled the measure on the House floor, said the law is an unconstitutional mixture of church and state.

"It is unworkable," Jackson said. "It will not encourage us to do scientific inquiries. It is academically unsound,"

Jackson said the state's lawyers have said they do not expect the law to stand up to stand up to court challenge filed by the American Civil Liberties Unoin. State fiscal officials have estimated it would cost $500,000 to defend the case in court, and more than $7 million to implement the law by purchasing textbooks and training teachers.

Rep. Manny Fernandez, D-Chalmette, said the current law has made the state "the laughingstock of the nation."

Many legislators cracked jokes and

[EXHIBIT E-M]

clapped their hands as the matter was discussed. At one point while Jackson spoke, Rep. Charles DeWitt, D-LeCompte, walked up hear the podium, laughed, slapped his hands together and said, "Tell them about it, brother."

After the Nelson bill was defeated, former Sen. Bill Keith, author of the 1981 balanced treatment law, said efforts would continue to make the law withstand its court challenge.

[EXHIBIT E-M]

June 26, 1984

HOUSE REJECTS 'CREATION' LAW REPEAL

by Robert Morgan

Town Talk Capitol Bureau

BATON ROUGE - Despite warnings that Louisiana continues to be the laughing-stock of the nation, the House overwhelmingly refused Monday to repeal a law requiring the teaching of "creation-science" in public schools.

The House rejected a bill repealing the law 61-26.

The 1981 law is currently being challenged in federal court on constitutional grounds. Known as the Balanced Treatment Act, the law requires teaching of "creation-science" whenever "evolution-science" is taught. A similar law was declared unconstitutional in Arkansas two years ago.

Rep. Alphonse Jackson, D-Shreveport, said, "This bill repeals the creation-

[EXHIBIT E-M]

science law we passed by a narrow vote a few months ago. We are faced with a tremendous lawsuit. I am informed by the lawyers we are going to lose the lawsuit.

Jackson warned the lawsuit will cost the state at least $500,000 and conservative estimates are it will cost the state $7.5 million to change textbooks if the law is ultimately declared constitutional.

"This isn't a vote for creationism. You do not have to decide if you are for God or if you are for evolution. There is no way that we can dictate curriculum for the public schools," said Jackson.

Jackson said the law on the books violates the doctrine of separation of church and state and it actually inhibits religious freedom if teachers are foced to teach "creation-science."

"Creation-science" is said to be a theory supported by scientific evidence that

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suggests the earth and the universe were all created suddenly in their existing forms by specific design of some creator.

Rep. Francis Thompson, D-Delhi, said, "If we don't have balanced treatment, then we have stifling education."

Jackson said, however, "There is no body of material that will foster the teaching of scientific creationism."

Rep. Terry Gee, R-Gretna, said "About three or four years ago, I voted for this (balanced treatment) legislation. It was one of the biggest mistakes I've made up here."

Gee said most of the materials produced on scientific creationism originate from one institution in San Diego, Calif.

Rep. Quentin Dastugue, D-Metairie, said "The attorney general's office requested $1 million to defend this lawsuit. When you come back next year and you've spent $2

[EXHIBIT E-M]

million to defend a ridiculous lawsuit. . . and Louisiana is one more time made the laughingstock of the rest of the country."

Rep. John Travis, D-Jackson, authored an amendment that would have made it illegal to teach the theory of evolution in public schools.

"We need to get back to the basics, teaching English, reading and arithmatic (sic). "Let's get rid of both of them (creationism and evolution). We ought to leave it up to the parents and the preachers to decide what they want (children) to believe."

Moving to shut off debate, Rep. Manuel Fernandez, D-Chalmette, said, "If you want to relive the Scopes trial all over again, then go ahead and do it."

The House rejected Travis' amendment 72-17 and subsequently defeated the bill.

After the bill's defeat, the House

[EXHIBIT E-M]

lapsed into a rollicking mood, urging on Rep. Avery Alexander, D-New Orleans, in a personal privilege speech. House Speaker John Alario, D-Westwego, joined in the festive mood when Alexander, a Baptist minister, asked to speak.

"Have a seat please, find yourself a pew," said Alario.

Rep. Ed Scogin, R-Slidel made a pretense of passing a hat while Alexander spoke.

And Alexander said, "Let me tell you something about our state and about of (sic) our country. If we take religion out of this state and out of this country, it wouldn't be long before we reverted to the state of the cavman and we would be eating one another.

"Evolution stipulates that man came from some lower animal and that everything

[EXHIBIT E-M]

that we see around us came about randomly - no God, no director.

"I hope that this thing is laid to rest once and for all."

Central Louisiana's delegation voted 8-2 against repeal with ony Reps. John W. "Jock" Scott, D-Alexandria, and Raymond Laborde, D-Marksville, favoring it.

Area lawmakers voting against repeal included Reps. Charlie De Witt, D-Alexandria, Carl N. Gunter, D-Pinevile, Jimmy D. Long, D-Natchitoches, Mike Tinnerello, D-Winnfield, Claude "Buddy" Leach, D-Leesville, Allen Bradley, D-DeRidder, James David Cain, D-Dry Creek, and Danny Lemoine, D-Ville Platte.

Reps: Al Ater, D-Jonesville, Fox McKeithen, D-Columbia, and Thomas "Bud" Brady, D-Olla, were absent.

[EXHIBIT E-M]

MORNING ADVOCATE

BATON ROUGE, LA

June 26, 1984

HOUSE VOTES DOWN CREATIONISM REPEAL

by Allan Pursnell
Capital news bureau

The old-time religion prevailed Monday in the House, which voted 61-26 against repealing Louisiana's 3-year-old law requiring public schools that teach scientific creationism.

Rep. Avery Alexander, a part-time minister from New Orleans, called evolution worse than Nazism and communism. He spoke after the vote, because the House moved to cut off debate before opponents of repeal had a chance to present their side. "Evolution. . . teaches that man came from some lower animal and everything we know and we see came about randomly - no God - no creator," said Alexander. He said such

[EXHIBIT E-M]

teachings are against the Bible.

"It is intellectually unsound," said Rep. Alphonse Jackson, D-shreveport, speaking against creationism. "I don't see any reason to keep on the books a law we know is unconstitutional, that will cost us a half a million dollars and will seriously stifle academic freedom," said Jackson.

"The creation science law was approved by the Legislature in 1981, sponsored by former Sen. Bill Keith, D-Shreveort, who was defeated in his re-election bid. The law has been tied up in the courts ever since. The law requires that creationism science be taught in public schools that teach evolution.

A similar law in Arkansas was struck down by the courts as an unconstitutional violation of the separation of church and state.

[EXHIBIT E-M]

Scientific creationism is the belief that man was created in his present form by a supreme being and did not evolve from lower life forms.

Jackson said it is going to cost the state millions of dollars to fight a losing battle to defend creationism in the courts and millions more to buy textbooks that conform to creation science teachings.

Rep. Quentin Dastugue, D-Metairie, said rejection of the repeal bill would once again make Louisiana the laughingstock of the nation.

The House rejected 72-17 an amendment by Rep. John Travis, D-Jackson, that would have outlawed the teaching of both creationism and evolution in public schools. Travis said he saw nothing wrong with leaving things as they are, but if there was a repeal, he said it would only be fair to ban the teaching of both.

[EXHIBIT E-M]

"Historically we have had a doctrine of separation of church and state," said Jackson. "If we continue with this unworkable law, we will not have freedom of religion. Creationism is a religion. It's a peculiar, narrow religion. . .," said Jackson.

The bill, SB269 by Sen. Sydney Nelson, D-Shreveport, narrowly passed the Senate.